

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on  
reverse)

For use by Secretary of State only

STD. 400 (REV. 7/80)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 91-0306-0449	PREVIOUS REGULATORY ACTION NUMBER 0-1101-05E
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For use by Office of Administrative Law (OAL) only

1991 MAR -6 PM 4:48

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING  
MAR 11 1991

**FILED**  
In the office of the Secretary of State  
of the State of California

MAR 11 1991

At 4:39 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Shirley Williams*  
Deputy Secretary of State

AGENCY

Department of Social Services

RDB #1090-49

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND 30-132, 30-162, 30-234, 30-252, 30-334, 30-434, and 30-442
TITLE(S) MPP	REPEAL <i>Corrections per 3-11-91 memo</i>

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) \_\_\_\_\_

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) \_\_\_\_\_

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) \_\_\_\_\_

## 6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Dev. Bureau

## TELEPHONE NUMBER

(916) 445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Lonnie M. Carlson*

DATE

3/6/91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 30-132.12, .2, and .22 to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS

30-132

.1 The county welfare department shall respond to the following: (Continued)

.12 Any other referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.

.121 The following referrals, after screening and in the absence of any additional risk element, are inappropriate for an emergency response assessment, as defined in Section 30-002c. (1)(A). An emergency response assessment on any of the following referrals may be appropriate if additional risk is present to the child. If it is determined that Child Welfare Services are unnecessary, but that the services of another community agency are appropriate, the social worker shall refer the child and/or family to such agency.

- (a) Abuse, neglect or lack of supervision in day care.
- (b) Bruises with no evidence of abuse.
- (c) Child is a runaway.
- (d) Children not using seat belts or car seats in moving vehicles.
- (e) Children 12 or over left unsupervised for two to three hours in the daytime or early evening where no clear and present danger can be cited.
- (f) Custody issues.
- (g) Death of a child where there are no other children in family or in the home.
- (h) Dirty homes with only teenage minors.
- (i) Drug/alcohol abuse of parents.
- (j) Families or children that are reported as nuisances in the neighborhood.

- (k) Head lice.
- (l) History of childhood physical or sexual abuse of a child who is now an adult.
- (m) Homeless family/overcrowded housing.
- (n) Mandated reporters meeting their reporting responsibilities but indicating that no abuse has occurred.
- (o) Minors exhibiting behavior pursuant to Welfare and Institutions Code Sections 601 or 602.
- (p) Minors living apart from relatives.
- (q) Minors with mental health problems.
- (r) Neglect cases which have been closed as unfounded or unsubstantiated within the previous month and there are no new allegations or evidence.
- (s) Sounds of children crying or being spanked with no indication of injury.
- (t) Parent-child conflict where there is no evidence of physical or sexual abuse.
- (u) Parents sleeping or bathing with children, considering age of child, sex and circumstances.
- (v) Past physical abuse which occurred over one year ago and there has been no evidence of subsequent physical abuse.
- (w) Physical or sexual abuse referrals which have already been investigated and there are no new allegations or evidence.
- (x) Pregnancy, in and of itself, of a minor.
- (y) Reasonable and age-appropriate spanking, as defined in Welfare and Institutions Code Section 300(a), to the buttocks where there is no evidence of serious physical injury.



- (z) Repeated unfounded or unsubstantiated referrals from the same reporter.
- (aa) Sibling physical abuse, unless parent demonstrates negligence through inability or unwillingness to protect the child victim.
- (bb) Spousal abuse only.
- (cc) Teenager is beyond parental control.
- (dd) Truancy/lack of school attendance.
- (ee) Third party physical or sexual abuse and the parent can protect the child.
- (ff) Unreliable complaints, e.g., details given by the reporter are contradictory.
- (gg) Unsupervised teens disturbing the neighborhood.
- (hh) Vague or general information without any reasonable basis.

HANDBOOK BEGINS HERE

- (1) Examples of vague or general information include "The house is dirty," "I think the child was molested," or "The children are abused," with no credible reason to suspect abuse or neglect.

HANDBOOK ENDS HERE

- (ii) Verbal abuse only.

.2 Emergency response staff shall immediately assess all referrals, excluding the referrals specified in Section 30-132.121, to determine whether an in-person response is required. (Continued)

.22 The decision whether or not to make an in-person response for all other referrals shall be based on an assessment which shall include collateral contacts, a review of previous referrals and other relevant information to the extent such information or measures are necessary to conduct an assessment.

- .221 This assessment shall include, but not be limited to, consideration of the following factors:

**HANDBOOK BEGINS HERE**

- 1a) The information provided in the referral describes a situation as defined in 30-002(1a) abuse, (1) exploitation, or (1b) neglect.
- 1b) When the alleged incident of abuse occurred.

**HANDBOOK ENDS HERE**

- (a) The information provided in the referral describes a situation as defined in Sections 30-002a.(1) abuse, 30-002e.(2) exploitation, or 30-002n. neglect.
- (b) Credibility of reporter.
- (c) Relationship and access of alleged perpetrator to the child.
- (d) History and disposition of prior referrals.
- (e) Items that are considered to increase the risk of danger to the child which include, but are not limited to:
- (1) The severity of the injury.
  - (2) When the alleged incident(s) of abuse occurred.
  - (3) How frequently the alleged incident(s) of abuse occurs.
  - (4) The age of the child. Younger children shall be considered at higher risk.
  - (5) The inability or unwillingness of the parent/caretaker to cooperate with the emergency response worker.

(6) The social isolation or lack of support systems for the parent/caretaker and/or child.

(7) The location of the injuries.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 16501.1, Welfare and Institutions Code.

Amend Section 30-162.11 to read:

30-162 CASE MANAGEMENT

30-162

.1 For each child receiving emergency response services, the social worker shall:

.11 Have face-to-face contact with the child at least three times in the first 21/calendar days, ~~after the initial response~~ including the initial response except as specified in Section 30-162.111. (Continued)

.12 Have face-to-face contact with the child no less than twice every 30 days ~~when~~ after the child has been in the Emergency Response Program 21 calendar days. ~~After the initial face-to-face contact with the child~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 16501.1, and 16504, Welfare and Institutions Code.

Amend Section 30-234.5 to read:

30-234 SERVICE PLAN (Continued)

30-234

.5 All initial service plans shall have signed and dated, written approval of the family maintenance social worker's supervisor within the 37-calendar day time frame specified for completion of the plan. The supervisor's approval shall document the following:

.51 The appropriateness of having an open case, including eligibility and need for services.

.52 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.

.53 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b), 16506, and 16506.1, Welfare and Institutions Code.



Amend Section 30-252.1 to read:

30-252 CASE MANAGEMENT

30-252

.1 For each child receiving family maintenance services, the social worker shall:

.11 Have face-to-face contact with the child at least twice every 30 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter, except as specified in Section ~~30-252.111~~ 30-252.12.

~~.111~~ .112 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of once each month, only if all of the following criteria in Sections 30-252.121 or .122 are met.

.121 All of the following exist:

(a) (Continued)

(b) (Continued)

(c) The social worker schedules his/her contacts with the child so that such contacts, in combination with those made by the persons specified in Sections 30-252.121(b)(1) through (3), ensure that the child receives face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open, as specified in Section 30-252.11.

(d) (Continued)

(e) (Continued)

.122 The case is being transferred to the family maintenance program from the family reunification program or the permanent placement program and the case plan accompanying the transfer indicates that there is no need for face-to-face contact more often than once a month.

.123 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, ~~and~~ 16506, and 16506.1, Welfare and Institutions Code.

Amend Section 30-334.4 to read:

30-334 SERVICE PLAN (Continued)

30-334

- .4 All initial service plans shall have signed and dated, written approval of the family reunification social worker's supervisor within the 37-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:
- .41 The appropriateness of having an open case, including eligibility and need for services.
- .42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
- .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404(b)(3), 16501.2, 16507, and 16507.1, Welfare and Institutions Code.

Amend Sections 30-342.311(c) and (d), and .61 to read:

30-342 PLACEMENT CASE MANAGEMENT (Continued)

30-342

.3 For each child in placement the social worker shall:

.31 Have face-to-face contact at least monthly.

.311 The social worker shall be permitted to have less frequent face-to-face contact, up to a minimum of once each quarter, only if all of the following criteria are met. (Continued)

(c) The case record documents the existence of at least one of the following circumstances:

(1) (Continued)

(2) The child is placed with a foster parent who has provided continuous care for the child for a minimum of twelve months.

(23) (Continued)

(34) (Continued)

(45) (Continued)

(d) Written ~~second-level~~ supervisory approval has been obtained.

.4 (Continued)

.5 (Continued)

.6 For the parent(s)/guardian(s) from whom the child has been removed, the social worker shall:

.61 Have face-to-face contact at least monthly, unless the case record contains documentation justifying less frequent face-to-face contacts.

.611 If the parent(s)/guardian(s) is not available for a face-to-face contact, the social worker shall maintain monthly written or telephone contact with him/her regarding the child's status and the parent/guardian actions that should be occurring in order to facilitate reunification.

.612 If all of the following criteria are met, the social worker shall be permitted to maintain monthly written or telephone contact, rather than face-to-face contact, with the parent(s)/guardian(s):

- (a) The parent/guardian is contacted face-to-face monthly by one or more of the following service providers providing services pursuant to the service plan:
  - (1) Social services staff of a county welfare department.
  - (2) Staff of another services agency.
  - (3) A physician or other professional.
- (b) There is an agreement with the service provider that he/she will provide contact reports to the social worker.
- (c) The agreement with the service provider is documented in the case record.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 11008.15, 11155.5, 16507 and 16507.1, Welfare and Institutions Code.



Amend Section 30-434.4 to read:

30-434 SERVICE PLAN

30-434

- .4 All initial service plans shall have signed and dated, written approval of the permanent placement social worker's supervisor within the 67-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:
- .41 The appropriateness of having an open case, including eligibility and need for services.
  - .42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
  - .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404, 16501.3, 16508, and 16508.1, Welfare and Institutions Code.

Amend Section 30-442.31 to read:

30-442 PLACEMENT CASE MANAGEMENT (Continued)

30-442

.3 For each child in placement the social worker shall:

.31 Have face-to-face contact at least monthly, except as specified in Sections 30-442.311 through 30-442.314 ~~by~~.

.311 If the child has been placed with a legal guardian or relative and such services are unnecessary, the social worker shall have face-to-face contact with the child no less frequently than once every six months.

.312 If the child has been placed in a group home, and the criteria specified in Sections 30-442.313(a) through (e) ~~by~~ have been met, the social worker shall have face-to-face contact with the child in the home no less frequently than once every ~~year~~ six months.

.313 (Continued)

.314 If all of the following criteria are met, the social worker shall be permitted to have less frequent contact, up to a minimum of once every six months:

(a) The child is contacted face-to-face monthly by one or more of the following service providers providing services pursuant to the service plan:

(1) Social services staff of a county welfare department.

(2) Staff of another services agency.

(3) A physician or other professional.

(b) There is an agreement with the service provider that he/she will provide contact reports to the social worker.

(c) The agreement with the service provider is documented in the case record.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, ~~and~~ 16508, and 16508.1, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

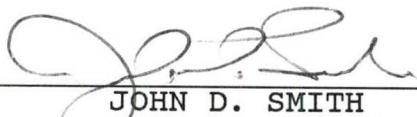
MAR 11 1991

At 4:39 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Shirley K. Williams  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 91-0306-04

  
\_\_\_\_\_  
JOHN D. SMITH  
Interim Director

03/11/91

# REGULAR

## NOTICE OF REGULATION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0306-03R		91-0130-05
For use by Office of Administrative Law (OAL) only				
<p>1991 MAR -6 PM 3:40</p> <p>OFFICE OF ADMINISTRATIVE LAW</p> <p>ENDORSED</p> <p>APPROVED FOR FILING</p> <p>MAR 15 1991</p> <p>Office of Administrative Law</p>				
AGENCY			AGENCY FILE NUMBER (if any)	
DEPARTMENT OF SOCIAL SERVICES			RDB#0590-22	

**FILED**  
In the office of the Secretary of State  
of the State of California

MAR 15 1991  
At 4:46 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By: Michele G. Williams  
Deputy Secretary of State

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
<input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other					
OAL USE ONLY	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE	
	<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn				

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

#### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	44-211.536
	AMEND
	44-211.321, .513, .517, .518, .524, .532 and .534
TITLE(S)	REPEAL
MPP	

#### 2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input checked="" type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
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#### 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

January 7, 1991 to January 22, 1991

#### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) 4-1-91
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#### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRING BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

#### 6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

#### TELEPHONE NUMBER

445-0313

#### 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Lonnie Carlson*

DATE

3/6/91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE CARLSON, INTERIM DIRECTOR



**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

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AND SUBMISSION OF REGULATIONS**

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Enter the agency name and agency file number, if any.

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**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Renumber and relocate Section 44-211.513(d) to Section 44-211.524(d); Renumber and relocate Sections 44-211.513(e), (e)(1) and (e)(1)(A) to Sections 44-211.532(c), (c)(1) and (c)(1)(A); amend Sections 44-211.321, .513, .517, .518, .524, .532 and .534; and adopt Section 44-211.536 to read:

44-211 SPECIAL NEEDS IN AFDC (Continued)

44-211

.3 (Continued)

.32 (Continued)

.321 The ~~CWP~~ county shall evaluate nonexempt liquid resources when an AU requests a nonrecurring special need payment for any of the following:

(a) (Continued)

(b) Homeless assistance, ~~which~~ ~~per~~ at the time the AU applies for such assistance but not during the incident of homelessness as defined in ~~MPP~~ Section 44-211.5143(b).

.5 (Continued)

.51 (Continued)

.513 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive 12-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.  
(Continued)

(c) The incident of homelessness ends when the AU receives the payment for permanent housing.

(1) ~~An AU is eligible to receive permanent housing assistance whether or not it has been issued the payment for temporary shelter.~~

(d) ~~The CWP may request verification of the following:~~

(1) ~~The AU has incurred a cost for temporary shelter and~~

12) The amount expended for permanent housing;

13) An AU's failure or inability to provide verification; or  
14) A finding of mismanagement of AFDC funds as set forth in Section 44-211.519.

44-211 SPECIAL NEEDS IN AFDC (Continued)

44-211

.5 (Continued)

.51 (Continued)

.517 The QWP county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in MPP Section 44-211.519 exist.

.518 The QWP county shall make direct payments to providers of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness when the QWP county establishes a finding of mismanagement of AFDC cash assistance.

(a) Mismanagement exists only when:

(1) The QWP county determines that the homeless assistance payment was not used for shelter as set forth in MPP 44-211.519(a); or

(2) The AU fails to provide verification as required under Sections 44-211.524 (d) and 44-211.532 (c); or

(3) The recipient's homelessness is the result of the failure to pay rent, other than for the following:

(A) A sudden and unusual circumstance beyond the recipient's control.

(B) Reasonable exercise of a tenant's right to withhold rent for cause.

.5 (Continued)

.52 (Continued)

.524 (Continued)

(a) (Continued)

(b) (Continued)

(c) (Continued)

(d) The applicant/recipient shall provide verification of the amount expended for temporary shelter after receiving a temporary homeless assistance payment but before receiving any subsequent homeless assistance payment made directly to the applicant/recipient.

(1) Failure to provide verification shall constitute mismanagement (see Section 44-211.518(a)(2)) and subsequent homeless assistance payments shall be made in accordance with Section 44-211.518.

.53 (Continued)

.532 (Continued)

(a) (Continued)

(b) (Continued)

(c) The recipient shall provide verification of the amount expended for permanent housing within 30 calendar days of having received the permanent housing assistance payment.

(1) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing.

(A) A determination that the payment was not used for permanent housing shall result in an overpayment.

.534 The ~~QWP~~ county has one working day from the time the ~~AU~~ recipient provides the following information to issue or deny a payment for permanent housing assistance:

(a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed evidence of the availability of permanent housing costing not more than 80 percent of the AU's MAP/ and.

(1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.

(2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:

(A) A statement of liability for providing false information.

(B) Name and phone number of landlord.

(C) Location of rental.

(D) Terms of rental.

(E) Dollar amount of deposits and rent. (Continued)



.536 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.

(a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

HANDBOOK BEGINS HERE

EXAMPLE:

*unusual* — A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to ~~extenuating~~ circumstances which prompted their return to Shasta County.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554 and 11450(g), Welfare and Institutions Code.

Reference: Sections 11450(f)(2), ~~11450(f)(2)(B)~~ and 11453.2 Welfare and Institutions Code; 45 CFR 206.10(a)(3)(ii)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(13), and 45 CFR 234.60(a)(2)-(11).

*Changes made at Department's request  
3-15-91. BJR*

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**

In the office of the Secretary of State  
of the State of California

MAR 15 1991

At 446 o'clock P.M.

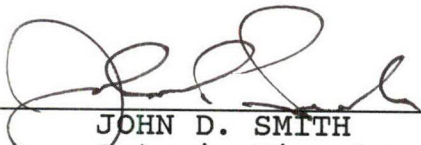
MARCH FONG EU, Secretary of State

By Michelle L. Williams  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 91-0306-03

  
JOHN D. SMITH  
Interim Director

03/15/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 91-0322-018	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
<p>1991 MAR 22 PM 4:34</p> <p>OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING APR 1 1991</p> <p>REGULATIONS</p>				
AGENCY SOCIAL SERVICES			AGENCY FILE NUMBER (if any) 0690-24	

**FILED**  
In the office of the Secretary of State  
of the State of California

APR 01 1991  
At 4:40 o'clock P.M.  
MARION FONG EU, Secretary of State  
By Michele L. Williams  
Deputy Secretary of State

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT 11-407; 11-407.1 through .64; and 11-400 a. (1), d. (2), (4) and (5), i. (2), p. (2), and s. (1) AMEND 11-400 g. (1) and 11-407 (h) (1) REPEAL
TITLE(S) MPP	

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State 4-1-91 ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

James Rhoads Asst. Bureau Chief, Regulations Development Bureau

## TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Lonnie M. Carlson, Interim Director

DATE

3-18-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Renumber and amend Section 11-400 to read:

11-400 AFDC-FOSTER CARE RATES

11-400

Definitions.

- a. (1) ~~Reserved~~ Administrative Hearing - an administrative hearing conducted by an Administrative Law Judge of the State Department of Social Services (SDSS) as defined by the Welfare and Institutions Code Section 11232.

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- d. (1) Daily Supervision - (Continued)
- (2) Date of Mailing - the date postmarked on the envelope if postage was prepaid and the envelope was properly addressed.
- (23) Department - (Continued)
- (4) Director - the Director of the Department of Social Services.
- (5) Duplicate - a facsimile copy of the original produced by photocopying or some other technique of accurate reproduction. (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- g. (1) Good Cause - the inability to respond to a required action due to circumstances beyond the control of the group home provider/foster family agency including, but not limited to, natural disasters and emergency medical situations. (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- i. (1) Infant Supplement - (Continued)
- (2) Informal Conference - a proceeding conducted in person or by telephone for the purpose of clarifying or resolving issues. (Continued)

- p. (1) Paid Awake - (Continued)
- (2) Party - the group home provider, foster family agency, or the Department.
- (23) Placement Agency - (Continued)
- (24) Point(s) - (Continued)
- (45) Primary Placing County - (Continued)
- (56) Program - (Continued)
- (67) Program Change - (Continued)
- (78) Program Classification - (Continued)
- (89) Provider - (Continued)

- s. (1) Set Rate - the per child/per month rate set by the Department for an AFDC-FC group home program or foster family agency pursuant to Section 11460, et seq. of the Welfare and Institutions Code.
- (12) Social Work Activities (SWA) - (Continued)
- (23) Social Worker - (Continued)
- (24) Specialized Care Increment - (Continued)
- (45) Specialized Care Rate - (Continued)
- (56) Specialized Care System - (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11460, 11462, 11466.1, 11466.2, 11466.3, 11468, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.



Amend Section 11-403(h)(1) to read:

11-403 FOSTER FAMILY AGENCY RATES (Continued)

11-403

(h) ~~Rate~~ Administrative Review Process~~dure~~

- (1) The ~~rate~~ administrative review process~~dure~~ for foster family agencies shall be as specified in Section 11-4027/8. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11468 and 11468.2, Welfare and Institutions Code.

Adopt Section 11-407 to read:

11-407 AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES 11-407

- .1 Administrative review procedures shall include protest proceedings and appeal proceedings.
- .2 Protest Proceedings
  - .21 A protest proceeding shall be available for group home providers/foster family agencies which disagree with the set rate and which request a different rate.
  - .22 A written protest shall be filed with the Department within 60 days from the date of the mailing of the notification of a set rate. The written protest shall include the following:
    - .221 The name, telephone number, signature, and date of signing of the protest of the group home provider/foster family agency or of the person representing the group home provider/foster family agency;
    - .222 Name and address of the group home provider/foster family agency and the program number;
    - .223 Reason for the protest; and
    - .224 Full supporting documentation relevant to the resolution of the protest which may include, but is not limited to, the following:
      - (a) The records maintained pursuant to Sections 11-402.521 through .523.

HANDBOOK BEGINS HERE

- (1) Personnel records, which include, but are not limited to:
  - (A) Current licenses; diplomas; copies of official transcripts if major shown on diploma is other than those listed as an equivalent for the appropriate program component; or diploma is from a non-accredited school; dated applications for employment and/or resumes;



time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; training and development documents; job descriptions (including position title and classification, duties and responsibilities); and group home organization charts.

(2) Case management records, which include but are not limited to:

(A) Treatment plan; psychological evaluations/reports; medical evaluations/releases; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; and all RCL significant information pertaining to a client shall be included in the client's record.

(3) Training program records which document all the information in the training log such as:

(A) The date(s) of training; hours of duration of each training session; certification of completion; name of trainer and certification; documentation showing provider paid any costs for training, including employee wages and benefits; and subject of the training.

HANDBOOK ENDS HERE

(b) Payroll Files including, but not limited to, a copy of the salary schedule, a record of employee benefits and time sheets.

.23 The Department may request additional documentation or information.

.231 Group home providers/foster family agencies shall submit additional documentation to the Department within 30 days of receipt of the request for such documentation.

.24 The protest and supporting documentation/additional documentation shall be submitted via certified mail, return receipt requested, to the following address:

State Department of Social Services  
Foster Care Rates Bureau  
744 P Street, M.S. 19-74  
Sacramento, CA 95814

.25 Within 90 days of the receipt of the final documentation or information from the group home provider/foster family agency, the Department shall issue a decision letter via certified mail, return receipt requested.

.251 The decision letter shall state the reasons for the Department's decision and shall include a statement of the right to appeal the decision.

.3 Filing an Appeal and Developing the Record

.31 A group home provider/foster family agency that does not concur with the decision letter and requests a different rate shall file a written appeal, including a specific statement of disputed issues, with the Department within 60 days of receipt of the decision letter. The date of mailing of the appeal shall establish the filing date.

.311 The written appeal shall specify whether the group home provider/foster family agency is requesting an oral administrative hearing, or an administrative hearing based upon the written record developed in accordance with Section 11-407.32 without the taking of oral testimony or oral argument.

.312 The appeal shall be submitted, via certified mail, return receipt requested, to:

Chief Administrative Law Judge  
State Department of Social Services  
744 P Street, MS 19-66  
Sacramento, CA 95814  
Attn: Presiding Judge, Sacramento Eastern  
Region

(a) At the same time, a copy shall be mailed, via certified mail, return receipt requested, to:

State Department of Social Services  
Foster Care Rates Bureau  
744 P Street, M.S. 19-74  
Sacramento, CA 95814

.313 The request for appeal shall specify whether or not the group home provider/foster family agency desires that an informal conference be held.

(a) If an informal conference is requested, the reasons for the informal conference shall be included with the request for appeal.

(b) If the Administrative Law Judge determines that an informal conference is appropriate, it shall be ordered and scheduled as soon as reasonably possible. The Administrative Law Judge shall preside at this informal conference.

(c) The Administrative Law Judge shall provide written notice of the date, time, and place of the informal conference which shall be mailed to each party at least 10 calendar days before the date of the informal conference. This period may be shortened with the consent of the parties. Any party may waive notice.

(d) Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.

.32 Developing the Written Record.

.321 Within 45 days of receipt of an appeal, the Department shall provide the group home provider/foster family agency with a list and copies of documents to be submitted as the written record.

(a) If it has not been specified previously, the Department shall request the group home provider/foster family agency to specify if an oral administrative hearing is requested or if a decision may be rendered based upon the written record.

.322 The group home provider/foster family agency shall be permitted to add documents and provide any additional arguments or material for inclusion in the record within 30 days of the receipt of the list of documents.

.323 Within 30 days of receipt of additional documents, arguments, or material submitted by the group home provider/foster family agency, the Department shall forward the written record to the Administrative Adjudications Division.

.324 Upon submission of the written record, the Administrative Law Judge may request additional information or argument from any party. The other party shall be provided an opportunity to respond to such additional submission.

.325 In addition to the documents listed in Sections 11-407.321 through .324, the written record shall include, but not be limited to, the following:

(a) The appeal filed by the group home provider/foster family agency.

(b) All relevant documents pursuant to Section 11-407.224.

(c) All applicable laws and regulations including those matters of which the Administrative Law Judge takes official notice.

.33 When the administrative hearing is to be conducted without an oral administrative hearing, the record shall be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conduct the administrative hearing upon the written record, within 180 days after filing the appeal.

.34 The following shall occur when an oral administrative hearing has been requested:

.341 A written notice of the date, time and place of the oral administrative hearing shall be mailed by the Administrative Law Judge to each party at least 30 calendar days prior to the date of the oral administrative hearing. This period may be waived by any party or shortened with the consent of all parties.

.342 The oral administrative hearing shall be conducted within 180 days after the filing of an appeal by the group home provider or foster family agency.

.343 The Administrative Law Judge shall determine the date, time, and location of the oral administrative hearing to be held within Sacramento County, unless a different location is ordered by the Administrative Law Judge based upon the needs of a particular appeal.

.4 Procedures Applicable to All Administrative Hearings.

.41 The Administrative Law Judge on his/her own motion or the motion of any party may:

.411 Extend any time period in these appeal regulations for good cause, except the time period set forth in Section 11-407.31 for the filing of an appeal.

.412 Consolidate for an administrative hearing or decision any number of issues or appeals when the facts and circumstances are similar and no substantial right of any party is prejudiced.

.413 Join other parties, grant continuances, and hold additional administrative hearings, as necessary.

.414 Hear any issue before any other issue in the proceeding if the decision on that issue could abate further proceedings.

.415 Question any party or witness.

.416 Prepare a proposed decision for the Director on any separately heard issue.

(a) Postpone hearing any remaining issues until a final decision has been submitted on any separately heard issues.

.417 Require any party to submit written memoranda pertaining to any or all issues.

.418 Dismiss the appeal if the group home provider/foster family agency fails to proceed with the administrative hearing process or fails to appear at an oral administrative hearing.

(a) A copy of such dismissal shall be mailed to each party with a statement of the group home provider/foster family agency's right to request that the administrative hearing be reopened.

(b) The Administrative Law Judge may vacate any dismissal if the group home provider/foster family agency applies in writing, within 10 calendar days after receipt of such dismissal, and shows good cause for failure to proceed or to appear at the administrative hearing. Lack of good cause shall be inferred if a continuance of the administrative hearing is not requested promptly upon discovery of the reason(s) for failure to proceed or appear at the administrative hearing.

(c) The parties shall be given written notice of an order granting or denying any application to vacate a dismissal.

.42 In order to obtain additional evidence, the Administrative Law Judge may:

.421 Continue the administrative hearing and hold the record open for any party to produce additional evidence.

.422 Close the administrative hearing and hold the record open for the introduction of additional documentary evidence.

(a) Material submitted after the close of the administrative hearing shall be provided to each party and to the Administrative Law Judge.

(b) Each party shall have the opportunity for rebuttal.

- .423 If the nature of the additional evidence or the rebuttal warrants, order an additional administrative hearing.
- .424 Reopen the record on his/her own motion.
- .43 An Administrative Law Judge may refuse to allow any person to represent a party in an administrative hearing when the person:
- .431 Engages in unethical, disruptive, or contemptuous conduct.
- .432 Intentionally fails to comply with the instructions or orders of the Administrative Law Judge or the administrative hearing procedures.
- .44 The administrative hearing need not be conducted according to technical rules relating to evidence and witnesses, except as provided in these regulations.
- .441 Relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
- (a) Hearsay evidence shall be permitted to be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions.
- (b) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized under California law in civil actions.
- (c) Irrelevant, cumulative or unduly repetitious evidence may be excluded by the Administrative Law Judge.
- (d) A duplicate is admissible to the same extent as an original unless:
- (1) A genuine question is raised as to the authenticity of the original or the duplicate.
- (2) It would be unfair to admit the duplicate in lieu of the original.

.442 The Administrative Law Judge shall take official notice of those matters which must be judicially noticed by a court under Section 451 of the California Evidence Code, and may take official notice of those matters which may be judicially noticed by a court under Section 452 of the California Evidence Code.

(a) The parties to the administrative hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record.

(b) Each party shall be given a reasonable opportunity, upon request, to refute the officially noticed matters.

.45 Procedures Governing Subpoenas

.451 Before the administrative hearing has commenced, the agency or the assigned Administrative Law Judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the administrative hearing. Subpoenas and subpoenas duces tecum shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. After the administrative hearing has commenced, the Administrative Law Judge may issue subpoenas and subpoenas duces tecum.

.452 The process issued pursuant to Subdivision (a) shall be extended to all parts of the state and shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend the administrative hearing unless the witness is a resident of the state at the time of service.

.453 All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend administrative hearings at points so far removed from their residences as to prohibit



return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars (\$3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the administrative hearing. Fees, mileage, and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

.5 Additional Procedures Applicable to Oral Administrative Hearings

.51 Within 15 days after receipt of the written notice that the case has been calendared for an oral administrative hearing, each party shall mail or deliver to the other parties and the Administrative Law Judge a brief position statement summarizing:

.511 The facts of the case;

.512 Legal authority supporting each party's position;

.513 Names and addresses of witnesses, including but not limited to, those intended to be called to testify; and

.514 A copy of all written documents and exhibits which are to be offered into evidence and which were not previously made a part of the record.

(a) An explanation shall be included of why the evidence was not previously provided. Unless good cause is shown, or the other party concurs in the submission, the Administrative Law Judge may exclude such evidence. If the evidence is allowed, the Administrative Law Judge may provide the other party additional time to respond to such evidence.

.52 Any party proposing to object to the receipt in evidence of any proposed exhibit shall advise the presenting party of such objection prior to the commencement of the administrative hearing.

- .521 All parties shall confer with respect to any objections in advance of the administrative hearing and attempt to resolve them.
- .53 A party appearing at an administrative hearing shall have the necessary evidence and witnesses present and be ready to proceed.
- .54 Testimony shall be taken on oath, or affirmation, under penalty of perjury.
- .55 The administrative hearing shall be electronically recorded, or perpetuated by other means capable of reproduction and transcription.
- .56 Each party shall have the right to:
- .561 Call and examine parties and witnesses;
  - .562 Introduce documents or exhibits;
  - .563 Question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in the direct examination;
  - .564 Impeach any witness regardless of which party first called the witness to testify; and
  - .565 Rebut the evidence.
  - .566 The group home provider/foster family agency shall not be called to testify during the Department's initial presentation pursuant to Section 11-407.571. A group home provider/foster family agency who thereafter fails to testify in its own behalf, may be called and examined as if under cross examination.
- .57 Subject to the discretion of the Administrative Law Judge, the order of the presentation of evidence shall be as follows:
- .571 The Department shall present its case first.
  - .572 Once the Department has completed its case, the group home provider/foster family agency shall present its case.
  - .573 The Department shall have the opportunity to rebut the group home provider's/foster family agency's evidence.

.574 The group home provider/foster family agency shall have the opportunity to rebut the rebuttal presented by the Department.

.58 The administrative hearing shall be conducted in the English language.

.581 The proponent of any testimony to be offered by a witness who does not speak the English language proficiently shall provide an interpreter, approved by the Administrative Law Judge, proficient in the English language and the language in which the witness will testify.

(a) The cost of the interpreter shall be paid by the party providing the interpreter.

(b) The interpreter shall swear or affirm that he/she shall translate truthfully, accurately, and completely.

.59 The Administrative Law Judge shall grant oral and may grant written argument at the request of any party made prior to the close of the administrative hearing.

.591 The Administrative Law Judge shall advise the parties of the time and manner in which the written argument is to be filed.

## .6 Decision Process

.61 A proposed decision in a format that may be adopted as the decision of the Director shall be submitted to the Director within 180 days after the closure of the record.

.62 Within 120 days after submission of the Administrative Law Judge's proposed decision, the Director shall:

.621 Adopt the proposed decision with or without reading or hearing the record.

.622 Reject the proposed decision and adopt an alternative decision based upon the documentary and electronically recorded record, with or without taking additional evidence.

.623 Refer the matter to the same or a different Administrative Law Judge to take additional evidence.

(a) If the case is so assigned, the Administrative Law Judge shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior administrative hearing. The Director may then take one of the actions described in Section 11-407.62 in regard to the new proposed decision. The Director may return a proposed decision only twice on the same appeal.

.63 The decision shall be final when the decision is mailed to the parties. However, the Director retains jurisdiction to correct clerical errors.

.631 Copies of the final adopted decision, or the decision of the Director and the Administrative Law Judge's proposed decision if it was not adopted by the Director, shall be mailed by certified mail to the parties.

.64 The group home provider/foster family agency shall be permitted to request a review of the final decision of the Department in accordance with Section 1094.5 of the Code of Civil Procedure, within six months of the issuance of the Director's final decision.

Authority Cited: Sections 10553, 10554, 11466.4, and 11468, Welfare and Institutions Code.

Reference: Sections 11466.4, 11468, 11468.1, 11468.2, 11468.3, 11468.4, and 11468.5, Welfare and Institutions Code; and Sections 11510, 11512, and 11513, Government Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

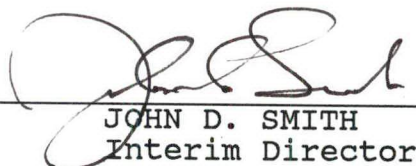
APR 01 1991

At 440 o'clock P.M.  
MARION FONG EU, Secretary of State  
By Michael L. Williams  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services  
-----

OAL File No: 91-0322-01  
-----

  
JOHN D. SMITH  
Interim Director

04/01/91  
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## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

RDB#0990-41

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0328-01		

For use by Office of Administrative Law (OAL) only

1991 MAR 27 AM 9 18  
 OFFICE OF  
 ADMINISTRATIVE LAW  
 ENDORSED  
 APPROVED FOR FILING  
 APR 26 1991

FILED  
 In the Office of the Secretary of State  
 of the State of California

APR 26 1991  
 At 4:17 o'clock P.M.  
 MARCH FONG EU, Secretary of State  
 By *Michael A. Williams*  
 Deputy Secretary of State

AGENCY	REGULATIONS
STATE DEPARTMENT OF SOCIAL SERVICES	Office of Administrative Law
	AGENCY FILE NUMBER (if any)
	RDB#0990-41

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90, #48-2	PUBLICATION DATE 11-30-90	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	80011, 87111, 101162 and 102359
	AMEND	
TITLE(S)	REPEAL	
22		

## 2. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
---	--	--

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 445-0313
---	------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*Lonnie M. Carlson*

DATE

3-25-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, INTERIM DIRECTOR



**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt new Section 80011 to read:

80011      ADVERTISEMENTS AND LICENSE NUMBER

80011

- (a) Licensees shall reveal each facility license number in all advertisements in accordance with Health and Safety Code Section 1514. Adult Day Care Facilities and Social Day Care Facilities shall be exempt from this requirement.

---

HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1514 provides:

- (a) Each residential care facility licensed under this chapter shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.
- (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) shall include, but are not limited to, those contained in the following:
- (1) Newspaper or magazine.
  - (2) Consumer report.
  - (3) Announcement of intent to commence business.
  - (4) Telephone directory yellow pages.
  - (5) Professional or service directory.
  - (6) Radio or television commercial.

HANDBOOK ENDS HERE

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- (b) Correspondence shall be considered a form of advertisement if the intent is to attract clients.
- (c) Licensees who operate more than one facility and use a common advertisement for these facilities shall be required to list each facility license number in accordance with Health and Safety Code Section 1514.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1514, Health and Safety Code.



Adopt new Section 87111 to read:

87111                      ADVERTISEMENTS AND LICENSE NUMBER                      87111

- (a) Licensees shall reveal each facility license number in all advertisements or correspondence in accordance with Health and Safety Code Sections 1569.68 and 1569.68.

681

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HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1569.68 provides:

681

- (a) Each residential care facility for the elderly licensed under this chapter shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.

- (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) referred to herein include, but are not limited to, those contained in the following:

- (1) Newspaper or magazine.
- (2) Consumer report.
- (3) Announcement of intent to commence business.
- (4) Telephone directory yellow pages.
- (5) Professional or service directory.
- (6) Radio or television commercial.

- (2) Health and Safety Code, Section 1569.68 provides:

All residential care facilities shall be required to include their current license number in any public advertisement or correspondence.

---

HANDBOOK ENDS HERE

- (b) Licensees who operate more than one facility and use a common advertisement for these facilities shall be required to list each facility license number in accordance with Health and Safety Code Sections 1569.68 and 1569.68.

681

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.68 and 1569.68, Health and Safety Code.

Adopt new Section 101162 to read:

101162 ADVERTISEMENTS AND LICENSE NUMBER

101162

- (a) Licensees shall reveal each facility license number in all advertisements in accordance with Health and Safety Code Section 1596.861.

---

HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1596.861 provides:

- (a) Each child day care facility licensed under this chapter, or Chapter 3.5, Chapter 3.6 shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients.
- (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) include, but are not limited to, those contained in the following:
- (1) Newspaper or magazine.
  - (2) Consumer report.
  - (3) Announcement of intent to commence business.
  - (4) Telephone directory yellow pages.
  - (5) Professional or service directory.
  - (6) Radio or television commercial.

HANDBOOK ENDS HERE

---

- (b) Correspondence shall be considered a form of advertisement if the intent is to attract clients.
- (c) Licensees who operate more than one facility and use a common advertisement for these facilities shall be required to list each facility license number in accordance with Health and Safety Code Section 1596.861.

Authority Cited: Section 1596.81(a), Health and Safety Code.

Reference: Section 1596.861, Health and Safety Code.

Adopt new Section 102359 to read:

102359 ADVERTISEMENTS AND LICENSE NUMBER

102359

- (a) Licensees shall reveal each facility license number in all advertisements in accordance with Health and Safety Code Section 1596.861.

---

HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1596.861 provides:

- (a) Each child day care facility licensed under this chapter, or Chapter 3.5, Chapter 3.6 shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients.
- (b) Advertisements, publications, or announcements subject to the requirements of subdivision (a) include, but are not limited to, those contained in the following:
- (1) Newspaper or magazine.
  - (2) Consumer report.
  - (3) Announcement of intent to commence business.
  - (4) Telephone directory yellow pages.
  - (5) Professional or service directory.
  - (6) Radio or television commercial.

HANDBOOK ENDS HERE

---

- (b) Correspondence shall be considered a form of advertisement if the intent is to attract clients.
- (c) Licensees who operate more than one facility and use a common advertisement for these facilities shall be required to list each facility license number in accordance with Health and Safety Code Section 1596.861.

Authority Cited: Section 1596.81(a), Health and Safety Code.

Reference: Section 1596.861, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
in the office of the Secretary of State  
of the State of California

APR 26 1991

At 4:17 o'clock P.M.

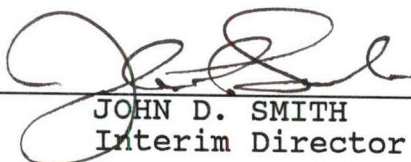
MARCH FONG EU, Secretary of State

By *Michael R. Williams*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services  
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OAL File No: 91-0327-01  
-----

  
JOHN D. SMITH  
Interim Director

04/26/91  
-----

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-90-1120-04	REGULATORY ACTION NUMBER 91-0327-02C	EMERGENCY NUMBER 90-1119-03E	PREVIOUS REGULATORY ACTION NUMBER
------------------	------------------------------------	---	---------------------------------	-----------------------------------

For use by Office of Administrative Law (OAL) only

1991 MAR 27 PM 4:06

OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING

APR 26 1991

NOTICE

AGENCY

Department of Social Services

REGULATIONS

Office of Administrative Law

AGENCY FILE NUMBER (If any)

RDB #1090-45

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90-1119-03E	PUBLICATION DATE 11-30-90	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	40-129
	AMEND	41-440, 44-103, 44-211, 44-317, 45-302
TITLE(S) MPP	REPEAL	40-129

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

March 1, 1991 through March 18, 1991 See attached.

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Lonnie M. Carlson

DATE

3-25-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READoption**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

STD Form 400 (Cont.)

RDB #1090-45

Page 2

B.3.

Sections Amended: 40-105.24; 40-129; 44-211.6; 44-317.112, .112(a), .113(a),  
.22, and .611; and 45-302.321 and .322.



Amend MPP 40-105.24 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY (Continued) 40-105

.2 Social Security Number (SSN) (Continued)

.24 Aid shall not be denied, delayed, or discontinued pending the issuance or verification of such number or numbers if the applicant/recipient has furnished his/her SSN or has submitted the necessary verification and is continuing to cooperate in securing such number as required in .21 above. Immediate need cases are subject to the provisions of Section 40-129.~~437~~214.

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 11266 and 11268, Welfare and Institutions Code; and 45 CFR 233.10(a)(1)(iv).



Repeal existing MPP 40-129:

40-129 IMMEDIATE NEED

40-129

.1 The intention of these provisions is to ensure that an applicant in immediate need receives either:

- (a) An aid payment if he/she is eligible for AFDC or
- (b) An immediate need payment if eligibility for AFDC is apparent but not yet verified. An alien applicant who does not provide verification of his/her eligible alien status, or a woman with no eligible children who does not provide medical verification of pregnancy is not apparently eligible for the purposes of this section. The immediate need determination and payment, if appropriate, should be completed on the day the recipient indicates immediate need. In no event shall this be completed later than the following working day.

.2 Definition of Immediate Need

"Immediate need" exists when there is (1) an emergency situation and (2) the applicant's liquid resources are less than \$100 and (3) the resources cannot meet the costs of the emergency situation. Examples of an emergency situation include, but are not limited to: insufficient food for the family which cannot be supplemented by food stamps issued by the working day following the immediate need request, lack of housing, notice of eviction, notice of termination of or loss of utility service.

.21 For purposes of this section "liquid resources" means resources which are immediately available and reasonably convertible to cash in time to meet the emergency situation. These may include cash, negotiable securities, and similar resources but do not include cash surrender value of insurance, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.

.22 Individuals presently receiving cash aid payments under any of the categorical aids are not considered to be in immediate need.

.23 Children placed in foster care are not considered to be in immediate need as defined in Section 40-129.2 above.

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3 The county shall always be alert to situations of immediate need at the time of application or at any time during the application process and shall take the action necessary to assist the applicant in applying for Immediate Need. When an applicant indicates verbally or in writing that he/she is in immediate need, the county shall review the circumstances immediately.

.31 If the county determines immediate need does not exist, the normal procedure for determination of eligibility continues (see Section 40-115.22, Exploration of Eligibility). The county, no later than the date the denial action is taken, shall notify the applicant on an appropriate Notice of Action form that the request for immediate need is denied.

.32 If the county determines immediate need exists, the applicant shall complete the Form CA 2 immediately.

.4 The county shall review the Form CA 2:

.41 If eligibility for AFDC does not exist, the application is denied (see Section 40-115.232).

.42 If eligibility for AFDC is determined, the county shall issue the aid payment for which the applicant is eligible. This payment shall be made no later than the following working day, or,

.43 If the county cannot verify eligibility for AFDC the county shall determine if the applicant is eligible for an immediate need payment.

.431 An applicant is eligible for an immediate need payment if (a) the applicant is apparently eligible for AFDC and (b) the applicant complied with the procedural requirements provided that it was reasonable for the county to expect the applicant to do so within the time frame prescribed in .433 below. Procedural requirements include, but are not limited to, registering for work, furnishing a social security number, or cooperating in securing such number, accepting unconditionally available income, and agreeing to cooperate with the District Attorney in establishing paternity.

.432 The amount of the payment shall be the prorata grant for the month computed from the date of the immediate need payment is authorized, but not more than \$100.

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.433 The county shall issue the immediate need payment no later than the working day following the date the immediate need was requested.

.434 If an immediate need payment is made for one month, and eligibility for an immediate need payment exists in the following month, a second immediate need payment shall be made in the following month provided the amount of the combined payments does not exceed \$100.

.435 The county shall notify the applicant on an appropriate Notice of Action form when the request for immediate need is approved.

.436 When an immediate need payment is made, the county shall verify the applicant's eligibility or ineligibility within 15 working days of the date in which the county determined immediate need existed. There is no state financial participation in the immediate need payment(s) if eligibility or ineligibility is verified after 15 working days. To the extent that such verification depends upon documentation supplied by a third party (e.g., INS, SSA), initiation of such verification within the 15-day period is sufficient to ensure state financial participation in the immediate need payment(s) as long as all other eligibility verification is completed within the 15-day period.

.437 When verification of eligibility is completed, the county shall compute the aid payment from the beginning date of aid. (See Section 44-317.1, Beginning Date of Aid.) The amount of aid granted as an immediate need payment shall be offset against this aid payment and the county shall issue the remainder, if any.

If a second immediate need payment is made in the following month, it is offset against the aid payment for that month.

Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: SB 991, Chapter 1285, Statutes of 1989.

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Amend MPP 40-129 to read:

40-129 IMMEDIATE NEED

40-129

~~12Y~~

.1 Definitions

~~12Y~~

.11 "Apparent Eligibility" means that the information provided on the Statement of Facts and information otherwise available to the county indicates that the applicant would be eligible for aid if the information on the Statement of Facts were verified.

~~12Y~~

.12 "Applicant" means the person or family making, or on whose behalf is made, a request for AFDC by filing an application.

~~12Y~~

.13 An "Emergency Situation" means one or more of the following exist:

~~12Y~~

.131 Lack of Housing - The applicant is homeless as defined in MPP 44-211.511.

~~12Y~~

.132 Pending Eviction - The applicant has received any type of eviction notice, including a three-day notice to pay or quit, evicting the family from its current residence.

~~12Y~~

.133 Lack of Food - The applicant does not have enough food to sustain the family for a period of three calendar days.

~~12Y~~

.134 Utility Shutoff Notice - The applicant has received a notice of termination of utility service or such service has been terminated.

~~12Y~~

.135 Transportation - The applicant is unable to meet essential transportation needs such as those relating to food, medical care, or job opportunity.

~~17Y~~  
.136 Clothing - The applicant lacks essential clothing such as diapers or clothing needed for inclement weather.

~~18Y~~  
.137 Other - The applicant has other emergencies of similar importance to the family's immediate health and safety.

~~14Y~~  
.14 "Home" means any location where a family resides.

~~18Y~~  
.15 "Liquid Resources" means exempt and nonexempt items of value belonging to persons who would be included in the assistance unit which are immediately available and reasonably convertible to cash in time to meet the emergency situation.

~~18Y~~  
.151 Liquid resources shall include but are not limited to cash, negotiable securities, and similar resources.

~~18Y~~  
.152 Liquid resources do not include the cash surrender value of insurance policies, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.

~~18Y~~  
.2 Eligibility for an Immediate Need Payment

~~11Y~~  
.21 Eligibility for an Immediate Need payment exists when the applicant meets all of the following conditions:

~~18Y~~  
.211 Is apparently eligible for AFDC.

1/  
(a) An alien applicant who does not provide verification of his/her eligible alien status is not apparently eligible.

2/  
(b) A woman with no eligible children who does not provide medical verification of pregnancy as specified in MPP 44-205.642 is not apparently eligible.

~~18Y~~

.212 Has an emergency situation, without regard to whether it could have been anticipated, which cannot be addressed by the issuance of food stamps or homeless assistance or by referral to a community resource as specified in MPP 40-129~~18Y~~.6.

~~18Y~~

.213 Has resources that do not exceed the resource limitation as specified in MPP 40-129~~18Y~~~~12Y~~.211(b).

.22

~~18Y~~

.214 Has complied with the following technical conditions for AFDC:

1/

(a) Social security enumeration, application for unconditionally available income (including UIB), work registration of the principal earner who is exempt from GAIN due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1.

2/

(1) AFDC and Immediate Need case processing shall continue pending the applicant's verification of his/her completion of any technical condition of eligibility required.

~~12Y~~

.22 Resource Limitation

~~18Y~~

.221 When the emergency situation involves transportation, liquid resources must be less than the cost of the emergency.

~~18Y~~

.222 When the emergency situation is a pending eviction, liquid resources together with income must be less than the rent owing.

~~18Y~~

.223 For all other emergency situations, liquid resources must be less than \$100.

*corrected at  
Department's  
request  
1/24/91  
RJM*

~~13Y~~  
.23 If eligible, the Immediate Need payment is:

~~1X~~  
.231 The amount of the grant to which the applicant family would be entitled for the month of application computed in accordance with MPP 44-315.5 or \$200, whichever is less.

~~14Y~~  
.24 The family shall be eligible for a second Immediate Need payment when:

~~1X~~  
.241 A second request is made; and

~~18Y~~  
.242 The applicant remains apparently eligible; and

~~19Y~~  
.243 The AFDC check has not yet been issued; and

~~18Y~~  
.244 The family emergency continues or a new emergency has arisen; and

~~1EY~~  
.245 The Immediate Need payment issued in the previous month was approved for an amount less than \$200.

~~18Y~~  
.25 In no event shall the combined amount of the Immediate Need payments exceed \$200.

~~19Y~~  
.3 Immediate Need Payment Requests

~~11Y~~  
.31 A family may request an Immediate Need payment any time during the application process.

~~1X~~  
.311 The application process begins the date the county receives a completed application and continues until the AFDC application is approved and aid is issued or until the application is denied or withdrawn.

~~12Y~~  
.32 At the time of application, every applicant shall be given the opportunity to request an Immediate Need payment by completing the Immediate Need section of the application.

~~1X~~Y

.321 The county shall encourage applicants who indicate that they are in an emergency situation to complete the Immediate Need section of the application.

~~1B~~Y

.322 If an applicant indicates verbally or in writing that he/she has an emergency situation, after the application has been submitted, the county shall provide the applicant with the ~~Request~~ Request for Immediate Need Payment Request (CA 4, 9/90).

~~1C~~Y

.323 The ~~Request~~ Request for Immediate Need Payment Request (CA 4, 9/90) shall only be required for applicants who request an Immediate Need payment after the initial application.

~~1B~~Y

.33 The county shall not complete the Immediate Need section of the application or the ~~Request~~ Request for Immediate Need Payment Request (CA 4, 9/90), except at the applicant's specific request.

~~1A~~Y

.34 All Immediate Need payment requests received during regular business hours shall be accepted on that date.

~~1A~~Y

.341 In no event shall any person wishing to file a request for an Immediate Need payment be denied the right to do so.

~~1B~~Y

.342 The county shall not ask an applicant to withdraw an Immediate Need payment request.

~~1B~~Y

.35 The applicant shall be given a copy of the application or the ~~Request~~ Request for Immediate Need Payment Request (CA 4, 9/90) when it is received by the county indicating the date of receipt.

~~1A~~Y

.4 The Immediate Need Interview

~~1Y~~

.41 If the applicant indicates on the initial application or the ~~Request~~ Request for Immediate Need Payment Request (CA 4, 9/90) that the family has an emergency situation as defined in MPP 40-129~~1Y~~13, the county shall



conduct an Immediate Need interview no later than the next working day following the date the Immediate Need request is received.

HANDBOOK BEGINS HERE

~~1X~~Y

.411 When feasible, the county should conduct the interview the same day the Immediate Need payment is requested, but no later than the next working day.

HANDBOOK ENDS HERE

~~1B~~Y

.412 The face-to-face interview shall be conducted in accordance with MPP 40-131.

~~1C~~Y

.413 During the Immediate Need interview, the county shall review:

~~1~~/

(a) The completed Statement of Facts; and

~~2~~/

(b) The application or, if applicable, the completed ~~Request for~~ Immediate Need Payment Request (CA 4, 9/90).

~~1D~~Y

.414 To the extent that it is reasonable for the county to expect the applicant to do so within the Immediate Need time frame, the applicant shall provide all documentation necessary to verify the family's eligibility for AFDC.

~~1~~/

(a) The county shall not deny an Immediate Need payment because the applicant failed to provide verification/documentation of eligibility for AFDC except as required under MPP 40-129~~1B~~/~~1Y~~/~~1X~~.211(a) and (b) or when such verification is in the applicant's possession.

~~1E~~Y

.5 Action On The Immediate Need Payment Request

~~1Y~~

.51 A determination of eligibility for an Immediate Need payment shall be made no later than the next working day following receipt of the request.

~~12Y~~

~~.52~~ When eligibility to an Immediate Need payment exists:

~~1AY~~

~~.521~~ And eligibility for AFDC is verified within the Immediate Need time frame specified in MPP 40-129~~(8Y)~~~~1Y~~.51, the county shall issue the regular aid payment to which the applicant is eligible in lieu of the Immediate Need payment.

~~1I~~

~~(a)~~ The aid payment shall be issued in ~~accordance with~~ the same manner as the Immediate Need payment in MPP 40-129~~(8Y)~~8.

~~1BY~~

~~.522~~ And eligibility for AFDC is not verified within the Immediate Need time frame, the county shall issue the Immediate Need payment in accordance with MPP 40-129~~(8Y)~~8 unless the emergency situation is pending eviction and the applicant has requested an expedited determination of eligibility in accordance with MPP 40-129~~(8Y)~~7.

~~1CY~~

~~.523~~ The county shall notify the applicant in writing in accordance with MPP 202-001~~1a~~.(1).

~~1MY~~ Denial of the Immediate Need Payment Request

~~11Y~~

~~.53~~ When eligibility for an Immediate Need payment does not exist:

~~1AY~~

~~.531~~ The Immediate Need payment request shall be denied and the applicant notified in writing in accordance with MPP 22-001a.(1). Where notification is hand-delivered, ~~the request for a~~ new Immediate Need Payment Request (CA 4, 9/90) shall also be given to the applicant.

~~1BY~~

~~.532~~ The AFDC eligibility determination process shall continue unless the family fails to meet financial eligibility or deprivation standards, in which case the AFDC application and the request for an Immediate Need payment may be denied concurrently.

~~1CY~~

~~.533~~ A denial of an Immediate Need payment request shall not constitute a basis for denial of the application for aid.

~~12~~ .534 The county shall deny the Immediate Need request in the following situations:

- ~~1A~~ (a) The applicant is eligible for Immediate Need based on the need for food as defined in MPP 40-129~~1A~~~~1B~~~~1C~~.133 and the need for food has been met through the issuance of food stamps within one working day from the date of the Immediate Need request.

HANDBOOK BEGINS HERE

~~11~~ In order for the request for an Immediate Need payment to be denied based on the issuance of food stamps to meet a food need, the applicant must be able to use the food stamps to feed the applicant and the applicant's family.

~~12~~ For example, a family is living in a hotel which prohibits the family from bringing food into the room. In this situation, the food stamps will not meet the family's need for food unless the food stamps can be used to purchase prepared meals at a location reasonably accessible to the hotel. If such prepared meals are not available, the request for an Immediate Need payment cannot be denied based on the issuance of food stamps.

HANDBOOK ENDS HERE

~~1B~~ (b) The applicant is eligible for an Immediate Need payment based on homelessness as defined in MPP 44-211.511 and a homeless assistance payment has been issued within one working day of the Immediate Need request.

~~1C~~ (c) The applicant is not apparently eligible in accordance with MPP 40-129~~1B~~~~1C~~~~1D~~.211.

~~1D~~ (d) The county has concluded, based upon all available information, that the applicant does not have an emergency situation.

~~1E~~ (e) The applicant is eligible for an Immediate Need payment based on an eviction as specified in MPP 40-129~~1A~~~~1B~~~~1C~~.132 and the applicant chooses an expedited eligibility determination for aid.

- ~~(F)~~ (f) The need has been met through a referral to a community resource made in accordance with MPP 40-129~~(F)~~.6.
- ~~(G)~~ (g) The applicant is currently receiving AFDC or Refugee Cash Assistance.
- ~~(H)~~ (h) The Immediate Need request was made by an individual being added to an existing assistance unit.
- ~~(I)~~ (i) The Immediate Need request was made on behalf of a child placed in foster care.
- ~~(J)~~ (j) The entire assistance unit is currently being sanctioned.
- ~~(K)~~ (k) The county is unable to establish the applicant's eligibility in the following circumstances:
- (1/) The applicant fails to cooperate as specified in MPP 40-129~~(J)~~(I)~~(J)~~.214 or refuses to cooperate as specified in MPP 40-129~~(J)~~(I)~~(J)~~.414(a).
- (2/) The applicant fails to keep the scheduled face-to-face interview.

~~(L)~~  
.6 Referral to Community Resources

~~(L)~~  
.61 The county shall have the option to refer the applicant to another public program or private resource to meet an emergency situation other than the need for shelter or food and the request for an Immediate Need payment may be denied, when all of the following conditions are met:

~~(M)~~  
.611 During the application period not more than one referral is made and the referral, when made, is to meet no more than one need.

~~(N)~~  
.612 The county has verified in advance that the specific need will be fully met by the public program or private resource by the end of the working day following the request for an Immediate Need payment. The case record shall be documented to show that the county has verified in advance that such need will be met.

12Y

.613 The family has the mental and physical capabilities to travel to the public program or private resource. Counties will complete the referral with due regard to the situation of the family as a whole.

12Y

.62 The county shall not refer the applicant to the public program or private resource when travel will create another emergency situation.

13Y

.63 When a referral to another public program or private resource is made, the county shall provide the applicant the following information in writing:

14Y

.631 The name, contact person, address and phone number of the public program or private resource, and

15Y

.632 The applicant's specific need that will be met by the referral to the public program or private resource, and

16Y

.633 If the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame and remains eligible for an Immediate Need payment, the payment will be issued no later than the next working day following the date the county received the Immediate Need request.

14Y

.64 When the other public program or private resource does not fully meet the applicant's need and the applicant returns within the Immediate Need time frame, the county shall provide the applicant with an Immediate Need payment, providing the applicant remains eligible.

15Y

.65 When the other public program or private resource does not fully meet the applicant's need and the applicant returns after the Immediate Need time frame, the county shall provide the applicant with a new ~~Request for~~ Immediate Need Payment Request (CA 4, 9/90).

10Y

.7

## Expedited Determination of Eligibility

11Y

.71

If the emergency situation is an eviction, and the applicant is found to be ~~apparently~~ eligible for an Immediate Need payment, the applicant shall be permitted to choose in writing either the Immediate Need payment or an expedited determination of AFDC cash aid eligibility when all of the following conditions are met:

12Y

.711

The applicant is in receipt of a notice of eviction, including a three-day notice to pay or quit; and

13Y

.712

The applicant has insufficient funds to pay the rent owing; and

14Y

.713

The applicant is currently residing in his/her home.

15Y

.72

Before the applicant chooses between the two options, the county shall inform the applicant in writing of the information and verification known to be necessary to determine eligibility for aid.

16Y

.73

The applicant's decision shall be documented in writing and retained in the case record.

17Y

.74

The expedited eligibility determination shall be completed and payment issued within three working days from the date of the Immediate Need payment request.

18Y

.75

The county shall issue the Immediate Need payment no later than the third working day if the eligibility determination cannot be completed.

19Y

.8

## Payment Issuance

20Y

.81

If AFDC eligibility has not been verified, the county shall issue the Immediate Need payment as follows:

~~1X~~Y

.811 If the office where the Immediate Need payment request is received has in-house payment issuance capabilities for AFDC FG and U, then the Immediate Need payment shall be hand-delivered to the applicant in that office.

(a) The county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

~~1B~~Y

.812 If the office where the Immediate Need payment request is received does not have in-house payment issuance capabilities, the applicant shall be given the choice of having the Immediate Need payment hand-delivered either at another specified location or to the applicant at the office where the application was filed.

1/

(a) When an applicant chooses to receive payment at another specified location, the county shall deliver the payment no later than the next working day following the day the county received the Immediate Need request.

2/

(b) When an applicant chooses to receive payment at the office where the application was filed, the county shall deliver the payment no later than the third working day following the day the county received the Immediate Need request.

3/

(c) When the applicant fails to pick up the payment, the county shall deposit it in the mail no later than the end of the next working day.

4/

(d) The applicant's choice of payment method shall be documented in the case record.

~~1X~~Y

.9 Completion of the AFDC Eligibility Determination Process

~~1X~~Y

.91 When an Immediate Need payment has been issued, the county shall verify the applicant's eligibility for aid within 15 working days from the date of receipt of the Immediate Need payment request.

1X1  
.911 The 15-working-day time frame shall apply to an Immediate Need request that was denied because the need was met by another public program or private resource.

1B1  
.912 The 15-working-day time frame shall apply to an Immediate Need payment request that was denied because the emergency situation was a lack of housing and the need was met by the issuance of a homeless assistance payment.

1C1  
.913 When the 15-working-day time frame cannot be met, the eligibility verification process shall continue.

1Z1  
.92 If verification of eligibility is completed, and the applicant determined eligible, the county shall compute the aid payment in accordance with the beginning date of aid rules at MPP 44-317.13.

1B1  
.93 The amount of aid payment shall be the grant amount less any Immediate Need payment the county issued for that month.

1A1  
.94 The county shall issue the payment as soon as administratively possible.

1B1  
.95 When an Immediate Need payment has been issued, and the applicant family is determined to be ineligible for AFDC benefits, the application shall be denied.

Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 11056, 11266, and 11270, Welfare and Institutions Code; and 45 CFR 205.52, 206.10 and 233.10(a)(1)(iv).



.2 Requirements to be Met in Order to Establish Deprivation Due to Unemployment (Federal AFDC-U) (Continued)

.23 The principal earner, whether included or excluded from the assistance unit, shall be work registered in accordance with Section 42-625. Those federally eligible principal earners who are exempt from registration only because of remoteness (Section 42-~~§70~~/§794) shall be registered with EDD-JS unless exempt in accordance with Section 42-~~§70~~788. This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. Those federally eligible principal earners who are exempt under any other exemption criterion in Section 42-~~§70~~788 do not have a work registration requirement. (Continued)

.24 The AFDC-U principal earner, who is apparently eligible for UIB (see Section 44-103.115(a)), shall apply for and accept any unemployment insurance benefits (UIB) to which he/she is entitled, when referred to EDD by the county welfare department. When the principal earner does not meet this requirement, Federal AFDC-U deprivation does not exist for the family (see Section 44-206.2~~§4~~). This requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. See Section 44-103 for the requirements for pursuing UIB as potential income for principal earners who are not exempt from WIN registration.

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1), 233.100(a)(5), and 250.30(b).

Amend MPP 41-604.4 to read:

41-604 EMPLOYMENT DEVELOPMENT DEPARTMENT JOB SERVICES 41-604  
(EDD-JS) REGISTRATION REQUIREMENT

- .4 Failure of the principal earner, who is required to register with EDD-JS, to meet the requirements of this §section shall result in ineligibility for the family. The work registration requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.

Authority Cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code.

Reference: Sections 11056, 11201(b), and 11315, Welfare and Institutions Code.

.2 Applicant and Recipient Responsibility

.21 The applicant or recipient, including the person responsible for a child in AFDC, is responsible:  
(Continued)

.212 For taking all actions necessary to obtain unconditionally available income. For AFDC applicants, this requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid.

.22 (Continued)

.23 (Continued)

.24 Applicants and recipients who are apparently eligible for UIB:

.241 Shall apply for and accept any UIB for which EDD determines he/she is eligible. For AFDC applicants, this requirement is considered to be met on the date of application as long as it is completed by the date of authorization of aid. Any AFDC applicant or recipient who does not apply for or accept UIB for which he/she is eligible shall not be eligible for AFDC (also see Section 44-103.115), and (Continued)

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Section 11270, Welfare and Institutions Code; and 45 CFR 233.10(a)(1) and 233.20(a)(3)(ix).

Amend MPP 44-211.6 to read:

44-211 SPECIAL NEEDS IN AFDC (Continued)

44-211

.6 Pregnancy Special Needs

.61 For the purposes of this section, the term "third trimester" is defined as the beginning of the third month immediately prior to the month of anticipated birth and continuing through the month of birth.

.612 In addition to the basic grant, a pregnancy special need payment shall be authorized for all ~~eligible~~ eligible pregnant women who have provided medical verification, subject to the ~~following~~ following conditions/ in MPP 44-211.63 through .66.

.63 Federally Eligible Applicants

~~.631~~

.631 A pregnant woman who is not included in an AV with any ~~federally eligible persons~~ federally eligible persons with no eligible children who has applied for AFDC, is in her third trimester, and is eligible to receive federal AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth.

~~.632~~

.632 A pregnant woman who is included in an AV with any ~~federally eligible persons~~ federally eligible persons has applied for AFDC as part of an assistance unit with federally eligible persons and:

(a) Is in her third trimester of pregnancy and has been determined to be federally eligible shall be entitled to receive the pregnancy special need payment beginning with the third month immediately prior to the month of anticipated birth from the date of application and continuing through the month of birth/ but not prior to the date of medical verification of pregnancy.

(b) Who has not reached her third trimester of pregnancy, shall not be eligible to receive the pregnancy special need payment until she reaches the third trimester of pregnancy.

.64 Federally Ineligible Applicants

.641 A pregnant woman with no eligible children who has applied for AFDC and would be eligible to receive federal AFDC but has not reached her third trimester of pregnancy, shall be entitled to receive the pregnancy special need payment from the date of application through the month of birth/ provided the pregnant woman is eligible on that date/ Medical verification of pregnancy must be provided by the applicant prior to the granting of aid.

.642 A pregnant woman with no eligible children who has applied for AFDC and is eligible to receive state-only AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the end of the state-only eligibility time frame, or through the month of birth, whichever occurs first.

.643 A pregnant woman who has applied for AFDC as part of an assistance unit with eligible children and has been determined eligible to receive state-only AFDC shall be entitled to receive the pregnancy special need payment from the date of application through the end of the state-only eligibility time frame, or through the month of birth, whichever occurs first.

.65 Federally Eligible Recipients

.651 The pregnancy special need payment for a pregnant woman who is receiving AFDC in an assistance unit with federally eligible persons shall be granted from the first of the month in which the county received the request or the first of the third month immediately prior to the month of anticipated birth, whichever occurs later.

.66 Federally Ineligible Recipients

.661 The pregnancy special need payment for a pregnant woman who is receiving AFDC in an assistance unit with state-only eligible persons shall be granted from the first of the month in which the county received the request.

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.627 (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Sections 11266(a)(2) and 11450(a)(1), (b), and (c), Welfare and Insitutions Code.

Amend MPP 44-317.112, .112(a), .113(a), .22, and .611 to read:

44-317 BEGINNING DATE OF AID

44-317

When the applicant is found eligible, the following are beginning dates of aid:

.1 Basic Date of Aid Determination

.11 The beginning date of aid shall not precede the date of application. Aid shall begin on the date of application, or the date on which the applicant meets all eligibility conditions, whichever is later.

.111 "The date of application" means the date on which the county receives a signed and dated application.

.112 "The date on which the applicant meets all eligibility conditions" means the date all linking and nonlinking factors of eligibility are met (see Section 40-107.3), even though verification or documentation of the eligibility condition is received at a later date. Technical conditions of eligibility, as specified in MPP 40-129~~(b)(1)(D)~~1.214, met at a later date are considered to be met on the date of application as long as they are completed by the date of authorization.

HANDBOOK BEGINS HERE

- (a) At the time these regulations were promulgated, social security enumeration, application for unconditionally available income (including UIB), work registration of the principal earner who is exempt from GAIN due to remoteness, work registration of the nonfederal principal earner, and cooperation with the District Attorney in accordance with MPP 43-201.1 were the only technical conditions of eligibility. If any new technical conditions of eligibility are established, this handbook section will be amended.

- (b) Example: A family applies for AFDC on April 3. The county schedules the face-to-face interview on April 10. At that time the county determines that on April 3 the applicant had \$1200 in a bank account, but on April 6 the bank account was down to \$900. The beginning date of aid for this family is April 6, since it was on that date that the family met the eligibility requirement for the AFDC Program.

HANDBOOK ENDS HERE

- .113 The beginning date of aid for each member of the AU may vary.

HANDBOOK BEGINS HERE

- (a) Example: A family applies for aid on September 1. The family consists of mother, her two children, her husband and their common child. The husband is the principal earner but does not have a connection to the labor force. ~~He and the~~ The common child received three months of State-only AFDC-U within the last 12 months and will not be eligible to be aided again until September 16. All eligibility conditions were met as of the date of application. The beginning date of aid will be September 1 for mother and her two children. ~~and the~~ The husband can be aided as an essential person stepparent effective September 1. and the The common child will be added to the AU on September 16.

HANDBOOK ENDS HERE

.2 Aid Begins on a Specified Date

- .21 For a pregnant woman with no other eligible children, the beginning date of aid shall be the date of application, providing the pregnant woman is eligible on that date.
- .22 When the mother of a newborn is being aided as a pregnant woman in accordance with MPP 44-205.26 or is receiving a pregnancy special need payment in accordance with MPP 44-211.46 in the month of birth:



.221 Aid for the otherwise eligible newborn begins on the date of birth, or the date all conditions of eligibility are met, whichever is later, even though verification or documentation of the conditions of eligibility is received at a later date; and

.222 Aid for the otherwise eligible father begins on the date of the newborn's birth when he is living with the assistance unit on that date or the date the father meets all conditions of eligibility, whichever is later, even though verification or documentation of the conditions of eligibility is received at a later date.

.3 (Continued)

.4 (Continued)

.5 (Continued)

.6 Intraprogram Status Changes

.61 Transfer from Medically Needy to AFDC Cash Grant Recipient

.611 The cash grant shall be paid from the date of application or date all eligibility conditions are met, whichever is later. (Continued)

.7 (Continued)

.8 Previously Denied Application is Approved

.81 Aid shall be paid from the date it would have been paid in accordance with the beginning date of aid regulations in effect at the time the application was denied.

.9 (Continued)

.10 (Continued)

Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Section 11056, Welfare and Institutions Code; and 45 CFR 206.10 and 233.10(a)(1).

Amend MPP 45-302.321 and .322 to read:

45-302 PAYMENT (Continued)

45-302

.3 Beginning Date of Aid

.31 If the child is determined to be eligible, the beginning date of aid for AFDC-FC shall be the date of application if the child meets all eligibility conditions on that date, or the date on which the child meets all eligibility conditions, whichever is later.

.32 For purposes of .31 above:

.321 "The date of application" means the date on which ~~the county receives a signed and dated application/~~ an authorized county employee completes, signs and dates an application on behalf of a child, or the date on which the county receives a signed and dated application from the child's parent or a person other than a county employee.

.322 "The date on which the child meets all eligibility conditions" means the date that the following conditions exist, even though verification or documentation of the condition is received at a later date:

(a) All linking and nonlinking factors of eligibility are met, including deprivation of parental support or care, age, citizenship or alienage status, residence, property and income eligibility requirements; and

(b) All other applicable conditions of eligibility are met including, but not limited to, technical conditions of eligibility, authority for placement and eligible facility requirements, as specified in MPP 45-201, 45-202 or 45-203, and 45-300 ~~are met~~. Technical conditions of eligibility as specified in MPP 45-302.322(c) are considered to be met on the date of application as long as the conditions are completed by the date of authorization.

(c) For purposes of determining the beginning date of aid for AFDC-FC, the technical conditions of eligibility are limited to social security enumeration, application for unconditionally available income and child support requirements.

.33 Other provisions pertaining to restoration of aid, intraprogram status changes and intercounty transfers are found in MPP 44-317.

Authority cited: Sections 10553, 10554, and 11209, Welfare and Institutions Code.

Reference: Section 11056, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED  
In the office of the Secretary of State  
of the State of California

APR 26 1991

At 4:17 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Michael K. Williams*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 91-0327-02

*John D. Smith*  
JOHN D. SMITH  
Interim Director

04/26/91

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBER	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		90-1210-02R		90-0720-02

For use by Office of Administrative Law (OAL) only

ENDORSED  
APPROVED FOR FILING

APR 29 1991

Office of Administrative Law

FILED

In this office of the Secretary of State  
of the State of California

APR 29 1991

MASON FONG EU, Secretary of State

By: [Signature]

NOTICE

REGULATIONS

AGENCY

DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (if any)

RDB#0989-33

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 90, #9-2	PUBLICATION DATE 3-2-90	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED MPP	ADOPT 20-400, 20-401, 20-402, 20-403, 20-404, 20-405, 20-406, 20-407, and 20-408.
	AMEND
	REPEAL

## 2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

June 7 - 22, 1990; October 26 - November 12, 1990; and February 19, 1991 - March 7, 1991

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

- ☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

DATE

3-27-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director



**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

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Adopt Chapter 20-400 to read:

20-400 AID TO FAMILIES WITH DEPENDENT CHILDREN/FOOD STAMP 20-400  
(AFDC/FS) INTERCEPT PROGRAM

HANDBOOK BEGINS HERE

- .1 The AFDC/FS Intercept Program is a voluntary program designed to assist the counties in the collection of delinquent welfare overpayments/overissuances.
- .2 It is important to note at the outset that certain limitations are imposed on the AFDC/FS Intercept Program. Section 8790.2 of the State Administrative Manual (SAM) provides, in part:
- .21 "...The offset procedure augments rather than replaces existing tax and other collection procedures and is for use when effective procedure does not exist and the State would otherwise suffer loss. An agency's remedy under the special laws applicable to its particular program and the general laws of the State is normally more appropriate and should be used unless circumstances are such that the offset procedure is the most logical method of collection...."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code and Section 12419.5, Government Code.



Adopt Section 20-401 to read:

20-401 DEFINITIONS

20-401

a. through e. Reserved

f. (1) Franchise Tax Board (FTB) -- means the state governmental agency in California designated for collecting State income taxes.

g. through h. Reserved

i. (1) Intercept -- means an action of taking money from an individual's state income tax refund and/or lottery winnings to satisfy a welfare overpayment/overissuance.

j. through m. Reserved

n. Non-court-ordered restitution -- means repayment of aid overpaid or benefits overissued as a result of, but not limited to, the following: inadvertent household errors, administrative errors, a signed waiver of right to an administrative disqualification hearing, or a signed Disqualification Consent Agreement.

o. through q. Reserved

r. (1) Respond to a demand -- means either paying or negotiating to pay.

(2) Right of recovery -- means the authority to initiate the intercept and make collections based on overpayment/overissuance regulations and relevant court orders in effect at the time of the overpayment/overissuance.

s. through z. Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-402 to read:

20-402 GENERAL REQUIREMENTS

20-402

- .1 The county shall have a right of recovery prior to submission of the case for intercept as prescribed in Manual of Policies and Procedures (MPP) Section 20-403.
- .2 Annually, each participating county shall submit to the State Department of Social Services (SDSS) a list of eligible cases. Eligible cases shall be submitted in the manner and timeframe prescribed in MPP Section 20-404.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-403 to read:

20-403 ELIGIBILITY REQUIREMENTS

20-403

.1 Cases in which there is a right of recovery shall be delinquent overpayment/overissuance(s) of at least \$10 and shall meet at least one of the following requirements:

.11 Restitution of AFDC overpayments due to either applicant/recipient and/or county administrative errors for which the household has failed to make a response to a written demand letter(s).

.12 Court-ordered restitution of AFDC overpayments.

.13 Court-ordered restitution of a food stamp overissuance as a result of an intentional Program violation (IPV) as defined in MPP Section 20-300.1.

.14 Restitution of food stamp overissuances which are the result of an IPV as determined by an Administrative Disqualification Hearing in accordance with MPP Section 20-300.23 and MPP Chapter 22-200.

.15 Non-court-ordered restitution of all food stamp overissuances for which the household has failed to respond to the written demand letter(s) and for which the claim has not been terminated.

.2 The following cases shall not be eligible for intercept:

.21 Cases which are eligible for an AFDC grant adjustment or a food stamp allotment reduction;

.22 Cases in which the individual is making regular restitution payments;

.23 Cases in which the time to request a state hearing has not lapsed;

.24 Cases in which the individual has requested a state hearing or is awaiting a decision from a state hearing or has received an adopted state hearing decision which determined that there is no overpayment/overissuance; and

.25 Nonfraudulent overpayment/overissuance(s) totaling less than \$35 in accordance with MPP Sections 44-350.141, 44-352.21, and 63-801.411.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-404 to read:

20-404

20-404 FORMAT

- .1 Counties shall submit information regarding eligible cases either by magnetic data tapes or paper documents. Such information shall contain, but is not limited to, the following:
  - .11 County number and name;
  - .12 Name of individual;
  - .13 Address of individual;
  - .14 Social security number of individual;
  - .15 Type of case listed separately (i.e., AFDC or FS);
  - .16 Total amount of delinquent AFDC overpayment or FS overissuance owed; and
  - .17 Optional information (i.e., case, district, and/or worker numbers).
- .2 Participating counties shall submit cases for intercept to SDSS by October 1 of each year.
- .3 Counties shall update delinquent case amounts submitted to SDSS when county information indicates that an erroneous or an excess amount is to be intercepted if action is not taken. Update information shall contain, but not be limited to, the following:
  - .31 County name;
  - .32 Tax year;
  - .33 Social security number;
  - .34 Individual's name;
  - .35 Revised amount; and
  - .36 Type code (i.e., "D" or "C") for "deleting" an individual from the list or "changing" the amount requested.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-405 to read:

20-405 CERTIFICATION

20-405

- .1 The individual who supervised the compilation of the list of delinquent accounts shall complete and sign a statement under penalty of perjury certifying to the accuracy of the information submitted.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 12419.5, Government Code; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-406 to read:

20-406 INTERCEPT WARNING NOTICE TO DELINQUENT RECIPIENTS 20-406

.1 A warning notice shall be sent to delinquent AFDC/FS recipients by SDSS at least 30 days prior to intercept indicating that their name is being referred to FTB for intercept.

.11 The warning notice shall contain, but not be limited to, the following information:

.111 The certified delinquent amount submitted by the county to SDSS;

.112 The name, address, and phone number of the county submitting the intercept information;

.113 The recipient's right to contest the referral and request an administrative review before an agency representative as outlined in Section 20-407;

.114 Possible reasons for disagreeing with the action, such as the amount(s) shown as past due is incorrect or an assertion by the individual that he/she never received AFDC or food stamp benefits.

.2 If SDSS does not have an address for a recipient, the notice shall be sent to the submitting county for manual addressing. The county shall return the notice to SDSS within ten (10) working days for mailing.

.21 If the county has no address information for a recipient, the county shall delete the recipient's name from the intercept submission list.

.3 The county shall attempt to identify a more current address for cases in which the warning notices are returned as undeliverable by the post office.

.31 If a more current address is not found, the notice and envelope shall be placed in the case file and the file annotated to document the attempt to mail; or the attempt to mail shall be recorded on a computerized accounts receivable system and the notice and envelope filed centrally. The notice and envelope shall be retained in accordance with MPP Section 23-353 (Records Retention).



- .32 Notices that are undeliverable due to clerical or typographical errors shall be corrected and remailed by the county.
- .33 Cases in which attempts to notify the recipients have been unsuccessful shall not be deleted from the intercept submission list.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code and Wightman v. Franchise Tax Board, 249 Cal Rptr. 207, 202 C.A. 3d 966; Anderson v. McMahon, Superior Court, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-407 to read:

20-407 ADMINISTRATIVE REVIEW PROCEDURES

20-407

.1 If a recipient challenges an intercept submission after receipt of the warning notice, the submitting county shall attempt to resolve the dispute through an administrative review which may include, at the recipient's request, a face-to-face meeting. This review may also be requested at any time during the calendar year in which a tax intercept may have occurred. The informal review procedure is as follows:

.11 An impartial agency representative appointed by the agency director and empowered to correct the submission by the county shall conduct the review. When requested, this review must be provided within ten (10) working days of the receipt of the request.

.12 The agency representative shall review the case information that substantiates the "right of recovery", including the cause(s), amount(s), and period(s) of the overpayments/overissuances.

.13 The agency representative shall review all necessary legal documents and proof of payment by the recipient.

.14 The agency representative shall report the findings to the recipient in writing within ten (10) working days of the review. The findings shall inform the recipient of the right to a state hearing under MPP Division 22.

.15 If an error is found, the county shall:

.151 Correct all records, accounts receivable, and automated systems;

.152 Submit an updated case delinquent amount to SDSS within 10 calendar days; and

.153 Promptly return any excess money intercepted to the recipient. (See MPP Section 20-408.)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 12419.5, Government Code; Wightman v. Franchise Tax Board, 249 Cal. Rptr. 207, 202 C.A. 3d 966, and Anderson v. McMahon, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

Adopt Section 20-408 to read:

20-408 REFUND OF EXCESS INTERCEPTS

20-408

- .1 Counties shall refund excess monies intercepted to the recipient within ten (10) calendar days after the decision has been made to refund money, regardless of whether or not the counties have received the intercepted funds.
- .2 When excess intercepted monies are refunded to the recipient, but are returned by the post office as undeliverable, counties shall attempt to identify a more current address and remail the refund.
- .3 Any monies which are undeliverable shall be retained by the county and not returned to SDSS.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 12419.5, 50050, 50052, and 50055, Government Code; Anderson v. McMahon, Alameda County, 1989, No. 620039-4, stipulation and court order for entry of judgment, filed August 22, 1989.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**

In this office of the Secretary of State  
of the State of California

**APR 29 1991**

4:27 o'clock P.M.


By **M. YONG EU**, Secretary of State

\_\_\_\_\_  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 91-0328-02

  
\_\_\_\_\_  
JOHN D. SMITH  
Interim Director

04/29/91

## NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 91-0419-02E	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE		1991 APR 19 AM 10:38 OFFICE OF ADMINISTRATIVE LAW ENDORSED APR 29 1991 REGULATIONS ve Law		
AGENCY STATE DEPARTMENT OF SOCIAL SERVICES		AGENCY FILE NUMBER (If any) RDB#0191-08		

**FILED**  
In this office of the Secretary of State  
of the State of California

APR 29 1991  
At 4:21 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By [Signature] Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	42-1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012
	AMEND	42-710.3 and 42-720.13 and .3
TITLE(S) MPP	REPEAL	

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)  
☐ Resubmittal  
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)  
☒ Emergency (Gov. Code, § 11346.1(b))  
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.  
☐ Print Only  
☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State  
☐ Effective on filing with Secretary of State  
☒ Effective other (Specify) 5-1-91

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)  
☐ Fair Political Practices Commission  
☐ State Fire Marshal  
☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau (916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

DATE

4-17-91

TYPED NAME AND TITLE OF SIGNATORY

LONNIE M. CARLSON, Interim Director

correction to  
item 4 per agency  
request 4/29/91  
pe

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READoption**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.



Amend Section 42-710.3 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 (Continued)

(t) "Supplemental Refugee Services (SRS) GAIN Participant"  
means an AFDC refugee who would otherwise be  
temporarily excepted from the full range of GAIN  
services pursuant to an approved county cost reduction  
plan.

(zu) (Continued)

(vy) (Continued)

(w) (Continued)

(x) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and  
Institutions Code.

Reference: Section 13280, Welfare and Institutions Code.



Amend Sections 42-720.13 and .3 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.1 (Continued)

.13 The primary GAIN participants are AFDC applicants and recipients. AFDC refugees who would otherwise be temporarily excepted from GAIN services may be provided services through the Supplemental Refugee Services (SRS) Component. The county may also provide services to refugees receiving or applying for Refugee Cash Assistance (RCA), and/or to General Assistance (GA) applicants and recipients, except that no funds appropriated for GAIN shall be used to serve these individuals or individuals participating in the SRS Component. (Continued)

.134 If the county elects to maintain an SRS Component for AFDC refugees, MPP Chapter 42-1000 provisions shall apply to these individuals.

HANDBOOK BEGINS HERE

.135 An example of an excepted refugee from participation in GAIN follows:

A refugee AFDC recipient who has been on aid for six months is referred for mandatory participation in GAIN. However, the county is in a GAIN cost reduction mode and is only doing intake for persons who have been on aid for more than three years. Therefore, although mandatorily referred to participate in GAIN, the refugee is excepted from participation due to the county being in a GAIN cost reduction mode. This refugee AFDC recipient can be referred for mandatory participation in the SRS Component but cannot be served via the RCA Employment Services System.

HANDBOOK ENDS HERE

.1346 (Continued)

.1357

.2 (Continued)

.3 (Continued)

.33 Counties which receive federal refugee employment social services (RESS) and/or federal targeted assistance (TA) funding shall include in its GAIN Plan a section which specifically addresses services for refugee AFDC applicants and recipients.

.34 Counties electing to implement the SRS Component shall ensure that county GAIN staff work with county refugee program staff and representatives of agencies involved in providing services to refugees.

.35 Counties which receive federal RESS and/or TA funds and are submitting a cost reduction plan shall include an assessment of the effects of cost reductions on the provision of GAIN services to refugees and shall provide a detailed narrative describing what actions, if any, will be taken.

.336 (Continued)

.3361 (Continued)

.347 (Continued)

.3471 (Continued)

.338 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code.

Adopt Chapter 42-1000 and Section 42-1001 to read:

Chapter 42-1000    GAIN    SUPPLEMENTAL    REFUGEE    SERVICES    (SRS)  
COMPONENT

42-1001 BACKGROUND

42-1001

AB 3254, Chapter 379, Statutes of 1990, established the GAIN SRS Component. Counties may elect to maintain the SRS Component within the GAIN Program for GAIN-eligible AFDC refugees who would otherwise be temporarily excepted from GAIN services. These services shall complement regular GAIN services to prepare the refugee for self-sufficiency.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code.

Adopt Section 42-1002 to read:

42-1002 INTRODUCTION - GAIN REQUIREMENTS FOR SRS  
PARTICIPANTS

42-1002

All Chapter 42-700 regulations shall apply to GAIN SRS participants, unless superseded by regulations contained in Sections 42-1000 through 42-1012.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 13280, Welfare and Institutions Code.

Adopt Section 42-1003 to read:

42-1003 SRS COUNTY PLAN COORDINATION AND CONSULTATION

42-1003

- .1 That portion of the county's GAIN Plan which addresses the implementation of the SRS Component shall be developed with significant participation by and input from public and private agencies/organizations involved in refugee resettlement. The county's planning process shall include representatives from refugee community-based organizations, voluntary agencies, local public/private providers of services to refugees, and refugee community leaders.

HANDBOOK BEGINS HERE

- .2 Counties may use the GAIN planning process if that process meets the requirements specified above.

HANDBOOK ENDS HERE

- .3 If the county's GAIN planning process does not meet the requirements contained in Section 42-1003.1, the county shall conduct a supplementary planning process.

- .4 That portion of the county's GAIN plan which describes the SRS Component shall describe the planning process. This description shall identify the planning participants and discuss how the proposed services reflect the information received during the planning process.

- .5 The description of the SRS Component shall also include the following information:

- .51 Labor market analysis and identification of the population to be served;
- .52 Description of the service population's needs;
- .53 Description of the services to be provided including the types of services and the service delivery methodologies;
- .54 Amount of funding and the anticipated outcomes specific to each service to be provided including intake, determination of client service needs, referral to services, and supportive services;
- .55 Descriptive narrative and a flow chart of the client flow process which shall be used to determine the refugee's service needs and refer refugees to services within the SRS Component; and

- .56 Description of the procurement process which shall be used to procure services to be provided under the SRS Component.
- .6 Counties shall not be required to use the GAIN client flow process. Counties electing not to use the GAIN client flow process shall develop and implement county-specific client flow processes which shall be subject to SDSS review and approval.
- .7 Counties shall annually update that section of the county GAIN/JOBS Plan which contains the discussion and description of the SRS Component. The SRS update may be coordinated with the annual update of the county GAIN Plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 13277, 13278, and 13280, Welfare and Institutions Code and Federal Register, Volume 51, No. 166, pages 30546 through 30553 dated Wednesday, August 27, 1986.

Adopt Section 42-1004 to read:

42-1004 INITIAL DETERMINATION FOR SERVICE NEEDS AS  
RELATED TO EMPLOYMENT

42-1004

- .1 An initial determination of employability shall be made within a reasonable time period prior to the refugee's participation in the SRS Component. The determination shall be based on:
- .11 The individual's educational, child care, and other supportive services needs;
  - .12 The individual's proficiencies, skill levels, and prior work experience;
  - .13 A review of the family circumstances, which may include the needs of any child of the individual; and
  - .14 Other factors that are determined relevant in developing the employability plan as described in Section 42-1006.

HANDBOOK BEGINS HERE

- .2 The initial determination of employability may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

Adopt Section 42-1005 to read:

42-1005 BASIC LITERACY LEVEL ASSESSMENT FOR SRS  
COMPONENT PARTICIPANTS

42-1005

.1 The county shall make an initial county-standardized determination of the refugee client's employability and services needs relative to:

.11 The refugee's English language training and educational needs, employment skills and prior work history; and

.12 The refugee's supportive needs, including child care, and the needs of the individual's eligible children.

HANDBOOK BEGINS HERE

.2 Counties may use existing service needs determination instruments/systems or develop SRS-specific systems to determine the refugee's service needs.

HANDBOOK ENDS HERE

.3 Whichever system(s) the county elects to use shall be used consistently for all refugees participating in SRS Component services.

.4 The service needs determination process shall be described in detail in the section of the GAIN Plan which includes the SRS Component.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.



Adopt Section 42-1006 to read:

42-1006 DEVELOPMENT OF AN EMPLOYABILITY PLAN FOR SRS  
COMPONENT PARTICIPANTS

42-1006

- .1 On the basis of the initial determination, the determination agency shall develop an employability plan in consultation with the participant, including a participant in a self-initiated activity. The employability plan shall:
  - .11 Contain an employment goal for the participant;
  - .12 Describe the services to be provided by the determination agency, including child care and other supportive services;
  - .13 Describe the activities that will be undertaken by the participant to achieve the employment goal; and
  - .14 Describe any other needs of the family, such as participation by a child in drug education or in life skill planning sessions. The employability plan must take into account:
    - .141 Available program resources;
    - .142 The participant's supportive services needs;
    - .143 The participant's skills level and aptitudes;
    - .144 Local employment opportunities; and
    - .145 To the maximum extent possible the preferences of the participant.
- .2 The employability plan shall not be considered a contract.
- .3 Final approval of the employability plan rests with the determination agency.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.41.

Adopt Section 42-1007 to read:

42-1007 SRS PARTICIPANT CONTRACTS

42-1007

- .1 Counties shall use contracts for clients participating in the SRS Component.
- .2 Counties shall be permitted to use the GAIN participant contracts or, subject to SDSS review and approval, develop their own county-specific contracts.
- .3 All client contracts shall be signed by the participant and the provider agency and shall, at a minimum, contain the following information:
  - .31 The purpose of the contract;
  - .32 The provider's participation standards;
  - .33 The participant's obligations, rights and responsibilities;
  - .34 The length of participation in the service/activity, including the number of hours of participation per week;
  - .35 The educational, training and/or employment services activities in which the refugee will participate; and
  - .36 The supportive services (including child care), if any, which are to be provided.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.42.

Adopt Section 42-1008 to read:

42-1008 PURCHASE OF SERVICE CONTRACTS

42-1008

- .1 Except where prohibited by SDSS regulations governing third-party contracts (MPP Chapter 23-600 Purchase of Service), counties electing to implement the SRS Component to provide services for refugee applicants for, and recipients of, AFDC shall be permitted to use performance-based contracts to purchase such services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Adopt Section 42-1009 to read:

42-1009 MANDATORY COMPONENTS FOR SRS PARTICIPANTS

42-1009

.1 The SRS Component shall include the following four services and activities.

.11 Any educational activity below the postsecondary level that the agency determines to be appropriate to the participant's employment goal. Such activities may be combined with training that the agency determines is needed in relation to the participant's employability plan. The educational activities that shall be made available include, but are not limited to:

.111 High school education or education designed to prepare a person to qualify for a high school equivalency certificate;

.112 Basic and remedial education that will provide an individual with a basic literacy level in accordance with Section 42-772.5.

.113 Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read, or write the English language to allow employment commensurate with his/her employment goal;

.12 Job skills training, which includes vocational training for a participant in technical job skills and equivalent knowledge and abilities in a specific occupational area;

.13 Job readiness activities that help prepare participants for work by assuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market; and

.14 Job development and job placement activity by the agency; e.g., soliciting a public or private employer's unsubsidized job opening or discovering such job openings, the marketing of participants, and securing job interviews for participants.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 250.44.

Adopt Section 42-1010 to read:

42-1010 OPTIONAL COMPONENTS FOR SRS PARTICIPANTS

42-1010

- .1 The SRS Component shall include, but is not limited to, at least two of the following four components:
- .11 Group and individual job search as described in 45 CFR Part 250.60;
  - .12 On-the-job training, as described in 45 CFR Part 250.61;
  - .13 Community work experience program, or other approved work experience program, as described in 45 CFR Part 250.63.
  - .14 Work supplementation, as described in 45 CFR Part 250.62.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 250.45, .60, .61, .62 and .63.

Adopt Section 42-1011 to read:

42-1011 CRITERIA FOR COMPONENT ASSIGNMENT OF  
TEENAGE PARENTS

42-1011

- .1 Counties shall provide educational services for teenage parents as described in 45 CFR Part 250.32(a) in the SRS Component.

HANDBOOK BEGINS HERE

- .2 Counties may use resources (non-GAIN) other than refugee funds to cover the costs of these services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code and 45 CFR 250.32.

Adopt Section 42-1012 to read:

42-1012 CASE MANAGEMENT FOR SRS COMPONENT PARTICIPANTS      42-1012

- .1 Counties shall be permitted to designate an agency other than the CWD as the agency responsible for performing specific allowable case management tasks and/or activities.
- .2 Eligibility determinations for AFDC and all sanctioning activities shall be handled by the CWD staff.
- .3 Counties shall complete a 90-day follow-up for each participant who becomes employed, including those participants who become ineligible for AFDC as a result of such employment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 13280, Welfare and Institutions Code; Notices of Availability of Federal Fiscal Year 1990 Targeted Assistance Funds (Federal Register/Vol. 55, No. 72/ pages 13974 through 13979 Friday, April 13, 1990; and Federal Register/Vol. 55, No. 151/ pages 32022 through 32024 Monday, August 6, 1990).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**

In this office of the Secretary of State  
of the State of California

APR 29 1991

At 4:57 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0419-02

*[Signature]*  
JOHN D. SMITH  
Interim Director

04/29/91



# EMERGENCY

## STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW NOTICE/PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 91-0419-0125	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE		REGULATIONS		
AGENCY State Department of Social Services		AGENCY FILE NUMBER (If any) 0391-12		

**FILED**  
In this office of the Secretary of State  
of the State of California

APR 24 1991  
At 4:21 o'clock P.M.  
MARCH SONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

1991 APR 19 PM 4:01  
OFFICE OF ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING  
APR 29 1991  
Office of Administrative Law

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

#### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	50-019 et seq.
	AMEND	
	REPEAL	
TITLE(S)	MPP	

#### 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

#### 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

#### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State 5-1-91 ☐ Effective other (Specify)

#### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

#### 6. CONTACT PERSON

Jim Rhoads, Asst. Bureau Chief, Regulations Development Bureau

#### TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*[Signature]*

DATE

4-19-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN  
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-019 to read:

50-019 WRL V. WOODS RETROACTIVE COURT CASE

50-019

HANDBOOK BEGINS HERE

.1 Background

The WRL v. Woods lawsuit challenged the State Department of Social Services (SDSS) application of Eligibility and Assistance Standards (EAS) Section 40-129. Specifically, the complaint alleged that applicants were wrongfully denied Immediate Need payments and had the beginning date of aid delayed unnecessarily. On October 31, 1990, the Final Order settling the lawsuit was signed in Sacramento County Superior Court. Under the terms of the order, SDSS and County Welfare Departments (CWDs) must inform current cash aid recipients about possible retroactive benefits. The provisions of the order that involve retroactivity are set forth in these regulations.

HANDBOOK ENDS HERE

.2 Definitions

For the purposes of these regulations:

.21 "Class members" means those individuals who:

.211 Applied for and were granted AFDC between February 4, 1982 and April 21, 1988; and

.212 Were wrongfully denied Immediate Need payments due to the application of Section 40-129; and

.213 Had the beginning date of cash aid delayed as a result of the wrongful denial of the request for an Immediate Need payment.

.22 "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese, and Cambodian.

.23 "Immediate Need" means a condition that existed during the retroactive period when:

.231 The claimant had an emergency situation; and

.232 The claimant's resources were less than \$100; and

.233 The available resources could not have met the claimant's emergency situation.

.24 "Informing/Claim form (TEMP 1785, Rev. 3/91)" means the form which informs potential claimants about the court case and is used to file a claim.

.241 The TEMP 1785 shall be printed in English and the five standard languages.

.242 The TEMP 1785 shall be completed, signed, and returned by the claimant to the appropriate CWD to initiate the claim determination process.

.25 "Informing Notice" (TEMP 1786, Rev. 3/91) means the form mailed to current recipients as a "Medi-Cal stuffer" to inform potentially eligible persons of possible retroactive benefits.

.26 "Liquid Resources" means resources which were immediately available and reasonably convertible to cash in time to have met the claimant's emergency situation during the retroactive period.

.27 "NOA" means a Notice of Action (NOA) that is considered to be adequate within the meaning of MPP Section 22-001 a. A claimant is considered to be "informed" of the outcome of a claim when the claimant is provided with a NOA.

.28 "Responsible CWD" means the County Welfare Department that took the action on which the claimant's claim is based.

.29 "Retroactive period" means the period of time between February 4, 1982 and April 21, 1988.

.3 Informing of Possible Retroactive Benefits

.31 SDSS Responsibilities

SDSS shall:

.311 Include TEMP 1786 with the Medi-Cal cards issued to cash aid recipients for the month of May 1991.

.312 For cash aid recipients who do not receive a Medi-Cal card, mail the TEMP 1786 at the same time Medi-Cal cards are issued for cash aid recipients for the month of May 1991.

.313 Issue Informing Posters (TEMP 1792, Rev. 3/91).

(a) The TEMP 1792 shall be printed in English and Spanish with the bullets printed in Vietnamese, Laotian, Chinese, and Cambodian.

(1) The English and Spanish entries shall inform of possible retroactive benefits.

(2) The bullets shall state (as translated): "Welfare may owe you money. You may contact the Welfare Department for a translation of this notice or call this toll free number".

(b) Supplies of both the English and Spanish versions of the TEMP 1792 shall be sent to CWDs for posting from May 1, 1991 through June 30, 1991. These supplies shall be sent by SDSS no later than April 20, 1991.

(c) Supplies of the TEMP 1792 shall be sent to CWDs for distribution to Food Stamp issuance offices for posting from May 1, 1991 through June 30, 1991.

(d) Posters shall be sent to up to 300 addressees to be supplied by the plaintiffs up to a maximum of 300 posters.

.314 Make available up to \$30,000 for a summary or copy of the TEMP 1785 to be published in the newspapers or other media of plaintiff's choice.

.315 Provide CWDs with reproducible copies of the TEMP 1785 in English and the five standard languages.

.32 CWD Responsibilities

CWDs shall:

.321 Post the TEMP 1792 in English and Spanish in conspicuous locations in all CWD offices from May 1, 1991 through June 30, 1991.

.322 Forward a supply of TEMP 1792s in English and Spanish to all Food Stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from May 1, 1991 through June 30, 1991.

.323 Reproduce an adequate supply of the TEMP 1785 in English and the five standard languages.

.324 Give or mail TEMP 1785s to anyone upon request.

.4 Application for Retroactive Benefits:

.41 Claimant Responsibilities

The claimant shall:

.411 Provide a completed (see Section 50-019.511) signed TEMP 1785. The TEMP 1785 shall be signed under penalty of perjury.

(a) If a CWD requires additional information from the claimant that has been omitted from the Informing/Claim form, the claimant shall have 30 calendar days from the date the CWD requests the missing information to return the Informing/Claim form with the requested information. A NOA (M50-019Dt Rev. 3/91) shall be used to request and identify needed information.

.412 Submit the TEMP 1785 to the local CWD or to the responsible CWD. The TEMP 1785 shall be submitted or postmarked, if mailed, no later than June 30, 1991.

(a) The claimant shall be permitted to resubmit a previously denied claim during the period from May 1, 1991 through June 30, 1991.

(b) If the original TEMP 1785 is submitted within the period, but is returned for additional information or forwarded to the responsible CWD, the date of the original submission is the date of the claim.

.42 CWD Responsibilities

When a TEMP 1785 is submitted, the CWD shall:

.421 Stamp each TEMP 1785 with the date received and retain all envelopes that were postmarked after June 30, 1991.

.422 In each case where a claim is filed, maintain all documents until the end of the claim period.

.423 Attempt to locate a case record.

.424 Determine if the CWD is the responsible CWD.

(a) If the receiving CWD determines that it is not the responsible CWD, deny the claim, send the claimant a NOA (M50-019Ct Rev. 3/91) and forward the TEMP 1785 to the responsible CWD within 15 working days from the date of receipt:

(1) The date of claim shall be the date the claim is initially received by the first CWD.

(2) The receiving CWD shall send the responsible CWD the TEMP 1785, any supporting documentation, and a copy of the NOA (M50-019Ct) sent to the claimant.

(b) If the receiving determines that it is the responsible CWD, process the claim.

(c) If the responsible CWD cannot be determined, deny the claim and send the claimant a NOA (M50-019Bt Rev. 3/91).

.5 Claims Processing

The responsible CWD shall determine whether the claimant is a class member and take appropriate action within 60 days of receipt of the original claim. The CWD shall:

.51 Review each TEMP 1785 received.

.511 The TEMP 1785 is complete when the claimant has provided the following information:

- (a) Claimant's Social Security Number.
- (b) Case name(s) during the retroactive period.

.512 The following information shall be provided on the TEMP 1785 to the fullest extent possible:

- (a) County(ies) of residence during the retroactive period.
- (b) The approximate date(s) of the application(s) for AFDC and request(s) for an Immediate Need payment during the retroactive period.
- (c) Whether AFDC was granted based on the application(s) during the retroactive period.
- (d) Whether Immediate Need or other assistance was granted based on the application(s) during the retroactive period.
- (e) What emergency situations the family had which it could not meet or were not met by the county based on the application(s) during the retroactive period.
- (f) Claimant's current address.

.52 Request further information or clarification if the form lacks essential information or the information is internally inconsistent.

.521 The CWD shall complete claim processing and pay the claim without, to the extent possible, requiring claimants to come in person to the local or the responsible CWD.

.522 As necessary, request that the claimant supply documentation in support of the claim if such documentation is in the claimant's possession.

- (a) As necessary, if the claimant does not have documentation in his/her possession, request that the claimant sign a Release of Information form (ABCDM 228 (Rev. 10/78) or CWD equivalent form), to allow the CWD to obtain documentation on the claimant's behalf.
- (b) If the claimant fails to provide documentation in his/her possession or sign the Release of Information form in support of the claim, deny the claim and send a NOA (M50-019Bt) to the claimant.



- .53 Compare information on the TEMP 1785 to information in the case record.
- .531 If the information the claimant has provided on the TEMP 1785 conflicts with the information contained in the case record, use the information contained in the CWDs records to determine eligibility for retroactive benefits.
- .532 If case record information is not available or is insufficient, use information provided by the claimant on the TEMP 1785 to determine eligibility for retroactive benefits.
- .54 If the CWD determines that the claimant is not making a claim for a class member, deny the claim and send a NOA (M50-019Bt) to the claimant.
- .55 If the TEMP 1785 is not complete, as specified in Section 50-019.511, send a NOA (M50-019Dt) to the claimant to request additional information. If the CWD requests additional information from the claimant, the CWD shall have an additional 30 days from the receipt of the returned information to process the claim.
- .56 If the original TEMP 1785 is submitted, but is not received within the period from May 1, 1991 through June 30, 1991, deny the claim and send a NOA (M50-019Bt) to the claimant.
- .57 If the CWD can find no record that the claimant applied for or received cash aid during the retroactive period, deny the claim and send an NOA (M50-019Bt) to the claimant.
- .58 If more than one eligible claim is made for a specific instance of eligibility for retroactive benefits, the first such claim filed shall be processed and any subsequent claim denied.
- .59 If the claimant is a class member, compute and pay retroactive benefits.
- .6 Computation of Retroactive Benefits
- .61 Assistance units (AUs) which are determined to be class members shall be eligible for a flat \$100 benefit for each and every time the claimant was wrongfully denied an Immediate Need payment during the retroactive period.
- .611 No interest shall be paid on the retroactive benefit.
- .62 Retroactive benefits are considered corrective underpayments and therefore are not to be considered income or as resources for grant calculation in the month received and the following month.
- .63 To the extent permitted by federal law and regulations, retroactive benefits shall not be considered as income or property as a condition of eligibility in the Food Stamp Program.



.64 Retroactive benefits due and owing may be offset against outstanding recoupable overpayments. However, in no event shall such benefits be offset against an overpayment occurring prior to October 31, 1987.

.65 Counties shall ensure that retroactive benefits shall not be considered as part of the grant calculations even when reported on the monthly reporting document.

.7 Statistical Reporting

.71 The CWDs shall submit a statistical report (TEMP 1172A Rev. 3/91) no later than October 15, 1991 indicating the:

.711 Number of TEMP 1785s received.

.72 The CWDs shall submit a second statistical report (TEMP 1172B Rev. 3/91) no later than January 15, 1992 indicating the:

.721 Number of TEMP 1785s provided.

.722 Number of TEMP 1785s received.

.723 Number of claims denied because the TEMP 1785 was not received by the local or the responsible CWD before June 30, 1991.

.724 Number of claims denied because the eligibility to retroactive benefits cannot be established based on the case record information (if any), the documentation submitted by the claimant (if any), and the TEMP 1785.

.725 Number of claims denied because the claimant was not a class member.

.726 Number of claims denied by the receiving CWD with a referral to another CWD.

.727 Number of claims denied because they were not submitted to the responsible CWD.

.728 Number claims denied for all other reasons.

.729 Number of claims granted.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Welfare Recipients' League, Inc. v. Woods, (Stipulation of Settlement and Consent Decree), No. 268972, Superior Court of the State of California, County of Sacramento, October 31, 1990.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

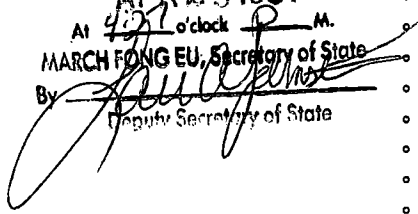
**FILED**

In this office of the Secretary of State  
of the State of California

APR 29 1991

At 4:31 o'clock P.M.

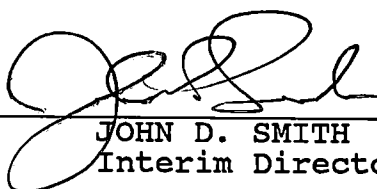
MARCH FONG EU, Secretary of State

By  Deputy Secretary of State

This certifies that the regulations submitted in the  
rulemaking file identified below were reviewed and approved  
by the Director of the Office of Administrative Law in the  
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-0419-12

  
JOHN D. SMITH  
Interim Director

04/29/91

# REGULAR

## STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER 91-0417-02	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
For use by Office of Administrative Law (OAL) only				
NOTICE		<p>1991 APR 17 PM 1:45</p> <p>OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING MAY 16 1991</p> <p>Office of Regulations</p>		
AGENCY State Department of Social Services		AGENCY FILE NUMBER (if any) RDB# 0490-15		

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 16 1991

At 4:18 o'clock P.M.  
MARCH KING EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 90, #44-2	PUBLICATION DATE 11-2-90	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

#### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Sections 101227(a)(1) and (5)
	REPEAL
TITLE(S) 22	

#### 2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) \_\_\_\_\_

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)  
N/A

#### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify) \_\_\_\_\_

#### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) \_\_\_\_\_

#### 6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

TELEPHONE NUMBER  
445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*[Signature]*

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

DATE

4-11-91

Amend Sections 101227(a)(1) and (5) and replace Handbook Section 101227(a)(1)(A) with new material to read:

101227 FOOD SERVICE

101227

(a) In facilities providing meals to children, the following shall apply:

- (1) All food shall be safe and of the quality and in the quantity necessary to meet the needs of the children. Each meal shall ~~meet at least 1/3 of the~~ include, at a minimum, ~~servings recommended in the USDA Basic Food Group Plan Daily Food Guide~~ the amount of food components as specified by Title 7, Code of Federal Regulations, Part 226.20, (Revised January 1, 1990) Requirements for Meals, for the age group served. All food shall be selected, stored, prepared and served in a safe and healthful manner.

HANDBOOK BEGINS HERE

(A) USDA BASIC FOOD GROUP PLAN DAILY FOOD GUIDE

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP		
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEENAGER
MILK & MILK PRODUCTS				
milk	8 oz.			
yogurt	8 oz.			
cheese	2 oz.		2-3	3-4
cottage	1&1/2 C.			or more
ice cream	2 C.			
tofu	8 oz.			
MEAT & ALTERNATES				
beef, pork, lamb, fowl,				
fish	3 oz.			
small serv.	1&1/2 oz.			

HANDBOOK CONTINUES

# HANDBOOK CONTINUES

Alternates for meat

eq. to  
2-3 oz.

2 sm

1-2

2-3  
or more

beans, peas, and lentils

1-1½ C

peanut butter

4-6 Tbsp

eggs

2-3

cheese

2-3 oz.

cottage

1/2-¾ C

canned fish

1/2-¾ C

nutr

2/3-1 C

tofu

6-9 oz.

wheat germ

1/2-¾ C

sunflower, pumpkin,  
& sesame seeds

1/2-¾ C

DEEP GREEN AND/OR  
YELLOW VEGETABLES  
small serving

1/2 C

1/4-1/3 C

1 sm

1

1 or  
more

OTHER VEGETABLES,  
JUICES AND FRUITS  
small serving

1/2 C

1/4-1/3 C

2 sm

2

2 or  
more

HIGH VITAMIN C  
FRUITS AND/OR JUICES  
small serving

1/2 C

1/4-1/3 C

1 sm

1

1 or  
more

BREADS & CEREALS  
(whole gr. or  
enriched) bread

1 slice

dry cereal

¾ C

cooked cereal,

rice, noodles

1/2 C

crackers

4

4 sm

3-4

4 or  
more

tortilla

1 med

small serv = 1/2

of the serv

sizes for breads

& cereals

HANDBOOK CONTINUES

DELETED

DELETED

HANDBOOK CONTINUES

OTHER FOODS: inc. fats, AS APPROPRIATE TO ENERGY NEEDS  
sweets, desserts, etc.

FLUIDS: inc. water AS APPROPRIATE TO NEEDS

MISCELLANEOUS: iodized AS APPROPRIATE TO NEEDS  
salt, fiber, vitamin  
supplement, etc.

Count cheese as one serving of milk or meat, not both. Adapted  
from the OREGON DIET MANUAL, fifth edition, 1975, State of Oregon  
Department Human Resources.

HANDBOOK ENDS HERE

HANDBOOK BEGINS HERE

(A) REQUIREMENTS FOR MEALS:

(as specified by Title 7, Code of Federal Regulations, Part 226.20.)

CHILD CARE INFANT MEAL PATTERN

	<u>Birth through 3 months</u>	<u>4 through 7 months</u>	<u>8 through 11 months</u>
<u>Breakfast</u>	<u>4-6 fl.oz. formula<sup>1</sup>.</u>	<u>4-8 fl.oz. formula<sup>1</sup> or breast milk.</u> <u>0-3 Tbsp. infant cereal<sup>2</sup> (optional).</u>	<u>6-8 fl.oz. formula<sup>1</sup>, breast milk, or whole milk.</u> <u>2-4 Tbsp. infant cereal<sup>2</sup>.</u> <u>1-4 Tbsp. fruit and/or vegetable.</u>
<u>Lunch or Supper</u>	<u>4-6 fl.oz. formula<sup>1</sup>.</u>	<u>4-8 fl.oz. formula<sup>1</sup> or breast milk.</u> <u>0-3 Tbsp. infant cereal<sup>2</sup> (optional).</u> <u>0-3 Tbsp. fruit and/or vegetable (optional).</u>	<u>6-8 fl.oz. formula<sup>1</sup>, breast milk, or whole milk.</u> <u>2-4 Tbsp. infant cereal<sup>2</sup> and/or</u> <u>1-4 Tbsp. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or</u> <u>1/2-2 oz. cheese or</u> <u>1-4 oz. cottage cheese, cheese food, or cheese spread.</u> <u>1-4 Tbsp. fruit and/or vegetable.</u>
<u>Supplement</u>	<u>4-6 fl.oz. formula<sup>1</sup>.</u>	<u>4-6 fl.oz. formula<sup>1</sup>.</u>	<u>2-4 fl.oz. formula<sup>1</sup>, breast milk, whole milk, or fruit juice<sup>3</sup>.</u> <u>0-1/2 bread or</u> <u>0-2 crackers (optional)<sup>4</sup>.</u>

1 Shall be iron-fortified infant formula.

2 Shall be iron-fortified dry infant formula.

3 Shall be full-strength fruit juice.

4 Shall be from whole-grain or enriched meal or flour.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

# BREAKFAST

(1) The minimum amount of food components to be served as breakfast as set forth in paragraph (a)(1) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

<u>Food components</u>	<u>Age 1 and 2</u>	<u>Age 3 through 5</u>	<u>Age 6 through 12<sup>1</sup></u>
<u>Milk</u>			
<u>Milk, fluid.</u>	<u>1/2 cup<sup>2</sup></u>	<u>3/4 cup</u>	<u>1 cup</u>
<u>Vegetables and Fruits</u>			
<u>Vegetable(s) and/or fruit(s)</u> <u>or</u> <u>Full-strength vegetable or fruit</u> <u>juice or an equivalent quantity of</u> <u>any combination of vegetable(s),</u> <u>fruit(s), and juice.</u>	<u>1/4 cup</u>   <u>1/4 cup</u>	<u>1/2 cup</u>   <u>1/2 cup</u>	<u>1/2 cup</u>   <u>1/2 cup</u>
<u>Bread and Bread Alternates<sup>3</sup></u>			
<u>Bread</u> <u>or</u> <u>Cornbread, biscuits, rolls, muffins,</u> <u>etc.<sup>4</sup></u>	<u>1/2 slice</u>  <u>1/2 serving</u>	<u>1/2 slice</u>  <u>1/2 serving</u>	<u>1 slice</u>  <u>1 serving</u>
<u>Cold dry cereal<sup>5</sup></u> <u>or</u> <u>Cooked cereal</u> <u>or</u> <u>Cooked pasta or noodle products</u> <u>or</u> <u>Cooked cereal grains or an equivalent</u> <u>quantity of any combination of</u> <u>bread/bread alternate.</u>	<u>1/4 cup or 1/3 oz.</u>  <u>1/4 cup</u>  <u>1/4 cup</u>  <u>1/4 cup</u>	<u>1/3 cup or 1/2 oz.</u>  <u>1/4 cup</u>  <u>1/4 cup</u>  <u>1/4 cup</u>	<u>3/4 cup or 1 oz.</u>  <u>1/2 cup</u>  <u>1/2 cup</u>  <u>1/2 cup</u>

<sup>1</sup> Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children 6 up to 12.

<sup>2</sup> For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.

<sup>3</sup> Bread, pasta, or noodle products, and cereal grains, shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.

<sup>4</sup> Serving sizes and equivalents to be published in guidance materials by FNS.

<sup>5</sup> Either volume (cup) or weight (oz.) whichever is less.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)



# LUNCH OR SUPPER

(2) The minimum amounts of food components to be served as lunch or supper as set forth in paragraph (a)(2) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows:

<u>Food Components</u>	<u>Age 1 and 2</u>	<u>Age 3 through 5</u>	<u>Age 6 through 12<sup>1</sup></u>
<u>Milk</u>			
<u>Milk, fluid.</u>	<u>1/2 cup<sup>2</sup></u>	<u>3/4 cup</u>	<u>1 cup</u>
<u>Vegetables and Fruits<sup>3</sup></u>			
<u>Vegetable(s) and/or fruit(s).</u>	<u>1/4 cup total</u>	<u>1/2 cup total</u>	<u>3/4 cup total</u>
<u>Bread and Bread Alternates<sup>4</sup></u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>or</u>			
<u>Cornbread, biscuits, rolls, muffins, etc.<sup>5</sup></u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>or</u>			
<u>Cooked pasta or noodle products</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>or</u>			
<u>Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>Meat and Meat Alternates</u>			
<u>Lean meat or poultry or fish<sup>6</sup></u>	<u>1 oz.</u>	<u>1-1/2 oz.</u>	<u>2 oz.</u>
<u>or</u>			
<u>Cheese</u>	<u>1 oz.</u>	<u>1-1/2 oz.</u>	<u>2 oz.</u>
<u>or</u>			
<u>Eggs</u>	<u>1 egg</u>	<u>1 egg</u>	<u>1 egg</u>
<u>or</u>			
<u>Cooked dry beans or peas</u>	<u>1/4 cup</u>	<u>3/8 cup</u>	<u>1/2 cup</u>
<u>or</u>			
<u>Peanut butter or soynut butter or other nut or seed butters</u>	<u>2 tbsp</u>	<u>3 tbsp</u>	<u>4 tbsp</u>
<u>or</u>			
<u>Peanuts or soynuts or tree nuts or seeds<sup>7</sup></u>	<u>1/2 oz.<sup>8</sup> = 50%</u>	<u>3/4 oz.<sup>8</sup> = 50%</u>	<u>1 oz.<sup>8</sup> = 50%</u>
<u>or</u>			
<u>An equivalent quantity of any combination of the above meat/meat alternates.</u>			

LUNCH OR SUPPER (Cont.)

- 1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
- 3 Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
- 4 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour.
- 5 Serving sizes equivalents to be published in guidance materials by FNS.
- 6 Edible portion as served.
- 7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.
- 8 No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

# SUPPLEMENTAL FOOD

(3) The minimum amounts of food components to be served as supplemental food as set forth in paragraph (a)(3) of ...[7 CFR, Part 226.20, Revised January 1, 1990] are as follows. Select two of the following four components. (Juice may not be served when milk is served as the only other component.)

<u>Food Components</u>	<u>Age 1 and 2</u>	<u>Age 3 through 5</u>	<u>Age 6 through 12<sup>1</sup></u>
<u>Milk</u>			
<u>Milk, fluid.</u>	<u>1/2 cup<sup>2</sup></u>	<u>1/2 cup</u>	<u>1 cup</u>
<u>Vegetables and Fruits</u>			
<u>Vegetable(s) and/or fruit(s)</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
<u>OR</u>			
<u>Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s), and juice.</u>	<u>1/2 cup</u>	<u>1/2 cup</u>	<u>3/4 cup</u>
<u>Bread and Bread Alternates<sup>3</sup></u>			
<u>Bread</u>	<u>1/2 slice</u>	<u>1/2 slice</u>	<u>1 slice</u>
<u>OR</u>			
<u>Cornbread, biscuits, rolls, muffins, etc.<sup>4</sup></u>	<u>1/2 serving</u>	<u>1/2 serving</u>	<u>1 serving</u>
<u>OR</u>			
<u>Cold dry cereal<sup>5</sup></u>	<u>1/4 cup or 1/3 oz</u>	<u>1/3 cup or 1/2 oz</u>	<u>3/4 cup or 1 oz</u>
<u>OR</u>			
<u>Cooked cereal</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>OR</u>			
<u>Cooked pasta or noodle products</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>OR</u>			
<u>Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.</u>	<u>1/4 cup</u>	<u>1/4 cup</u>	<u>1/2 cup</u>
<u>Meat and Meat Alternates</u>			
<u>Lean meat or poultry or fish<sup>6</sup></u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>OR</u>			
<u>Cheese</u>	<u>1/2 oz.</u>	<u>1/2 oz.</u>	<u>1 oz.</u>
<u>OR</u>			
<u>Eggs</u>	<u>1/2 egg</u>	<u>1/2 egg</u>	<u>1 egg</u>
<u>OR</u>			
<u>Cooked dry beans or peas</u>	<u>1/8 cup</u>	<u>1/8 cup</u>	<u>1/4 cup</u>
<u>OR</u>			

SUPPLEMENTAL FOOD (Cont.)

<u>Food Components</u>	<u>Age 1 and 2</u>	<u>Age 3 through 5</u>	<u>Age 6 through 12<sup>1</sup></u>
<u>Peanut butter or soynut butter or other nut or seed butters</u>	<u>1 tbsp</u>	<u>1 tbsp</u>	<u>2 tbsp</u>
<u>or</u>			
<u>Peanuts or soynuts or tree nuts or seeds<sup>7</sup></u>	<u>1/2 oz</u>	<u>1/2 oz</u>	<u>1 oz</u>
<u>or</u>			
<u>Yogurt, plain, or sweetened and flavored</u>	<u>2 oz or 1/4 cup</u>	<u>2 oz or 1/4 cup</u>	<u>4 oz or 1/2 cup</u>
<u>or</u>			
<u>An equivalent quantity of any combination of the above meat/meat alternates.</u>			

- 1 Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 up to 12.
- 2 For purposes of the requirements outlined in this paragraph, a cup means a standard measuring cup.
- 3 Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour; cereal shall be wholegrain or enriched or fortified.
- 4 Serving sizes and equivalents to be published in guidance materials by FNS.
- 5 Either volume (cup) or weight (oz.), whichever is less.
- 6 Edible portion as served.
- 7 Tree nuts and seeds that may be used as meat alternates are listed in program guidance.

(NOTE: Caution should be used with foods that can cause choking in young children and infants [under 4 years of age]. Such foods include, but are not limited to, nuts, e.g., peanuts; popcorn; large pieces of raw vegetables; large grapes; and hot dogs.)

HANDBOOK ENDS HERE

(2) (Continued)

(3) (Continued)

(4) (Continued)

- (5) Menus shall be ~~written~~ in writing and shall be posted at least one week in advance ~~and~~ in an area accessible for review by the child's parent(s) or authorized representatives. ~~Copies~~ of the menus as served shall be dated and kept on file for at least 30 days. Menus shall be made available for review by the child's parent(s) or authorized representatives and the licensing agency upon request. (Continued)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.81, and 1597.05, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED  
In the office of the Secretary of State  
of the State of California

MAY 16 1991

At 4:18 o'clock P.M.  
MARCH FORG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0417-02  
-----

*[Signature]*  
\_\_\_\_\_  
JOHN D. SMITH  
Deputy Director

05/16/91  
-----

CALIFORNIA OFFICE OF ADMINISTRATIVE LAW  
SACRAMENTO, CALIFORNIA

NOTICE OF REPEAL  
AND DELETION  
(Gov. Code, Sec. 11346.1)

In re:

Social Services

REGULATORY ACTION:

Adopt section 63-094 of Title 22 of  
the Manual of Policies and  
Procedures.

OAL File No. 90-0221-01 E

SUBJECT:  
Vendor Payment Extension

**FILED**

In this office of the Secretary of State  
of the State of California

MARCH 13 1991

At 3:42 o'clock P.M.

MARCH 13 1991, Secretary of State

By *[Signature]*  
Registrar of the State of California

Pursuant to section 11346.1, subdivision (g), of the Government Code, you are hereby notified that the regulatory changes (adoptions, amendments and/or repeals) made by the above described emergency regulatory action were repealed by operation of law 120 days from their effective date. This repeal occurred because the regulatory adoption process was not completed, and the rulemaking file was not submitted to the Office of Administrative Law, within 120 days of the effective date of the emergency action.

Notice is further given that the above described regulation(s), or amendment(s) thereto, will be deleted from the California Code of Regulations pursuant to the provisions of section 11346.1, subdivision (g), of the Government Code. In the event the emergency action was an amendment or order of repeal, the text of the regulation(s) as it existed prior to the amendment or order of repeal will be reprinted in the California Code of Regulations.

A copy of this notice will be filed with the Secretary of State in 7 days. If you have any questions regarding this notice, please contact Craig Tarpenning, Senior Staff Counsel, at (916) 323-6808 or ATSS 473-6808.

DATE: 05/13/91

*[Signature]*  
John D. Smith  
Deputy Director

Original: Linda S. McMahon, Director  
cc: Rosalie Clark  
rep.ltr

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-0501-03N		

For use by Office of Administrative Law (OAL) only

1991 MAY -1 PM 3:02

OFFICE OF ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING  
MAY 22 1991

Office of REGULATIONS Administrative Law

AGENCY  
State Department of Social Services

AGENCY FILE NUMBER (If any)  
RDB #0391-11

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 22 1991

At 4:19 o'clock P. M.  
MARCH LONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED 22	ADOPT
	AMEND MFP Section 87227
	REPEAL
TITLE(S)	

## 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

## 6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

## TELEPHONE NUMBER

445-0313

## 7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*[Signature]*

DATE

4-26-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director



**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 87227 to read:

87227      SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY,  
            AND VALUABLES OF RESIDENTS

87227

- (a) A licensee shall not be required to handle residents' cash resources. However, if a resident incapable of handling his own cash resources, as documented by the initial or subsequent appraisal, is accepted for care, his cash resource shall be safeguarded in accordance with the regulations in this section.
- (b) Every facility shall take appropriate measures to safeguard residents' cash resources, personal property and valuables which have been entrusted to the licensee or facility staff. The licensee shall give the residents receipts for all such articles or cash resources.
- (c) Every facility shall account for any cash resources entrusted to the care or control of the licensee or facility staff.
  - (1) Cash resources include but are not limited to monetary gifts, tax credits and/or refunds, earnings from employment or workshops, and personal and incidental need allowances from funding sources such as SSI/SSP.
- ~~(d)~~ Except as provided in approved life care contract agreements, no licensee or employee of a facility shall:
  - (1) accept appointment as a guardian or conservator of the person and/or estate of any resident; ~~not~~
  - (2) accept any general or special power of attorney for any such person; ~~not~~
  - (3) become substitute payee for any payments made to any persons; ~~not~~
  - (4) become the joint tenant on any bank account with a resident.
- (e) Cash resources and valuables of residents which are handled by the licensee for safekeeping shall not be commingled with or used as the facility funds or petty cash, and shall be separate, intact and free from any liability the licensee incurs in the use of his own or the facility's funds and valuables. This does not prohibit the licensee from providing advances or loans to residents from facility money.
- (f) No licensee or employee of a facility shall make expenditures from residents' cash resources for any basic service specified in Article 2.3 of these regulations, or for any basic services identified in a contract/admission agreement between the resident and facility. Each licensee shall maintain adequate safeguards and accurate records of cash resources and valuables entrusted to his care, including, but not limited to the following:

- (1) Records of residents' cash resources maintained as a drawing account shall include a ledger accounting (columns for income, disbursements and balance) for each resident, and supporting receipts filed in chronological order. Each accounting shall be kept current.
    - (A) An acceptable receipt where cash is provided to residents from their respective accounts, includes: the resident's signature or mark, or responsible party's full signature, and a statement acknowledging receipt of the amount and date received. An acceptable form of receipt would include:

"(full signature of resident) accepts (dollar amount) (amount written in cursive), this date (date), from (payor)".
    - (B) An acceptable receipt where purchases are made for the resident, from his account, is the store receipt.
  - (2) Records of residents' cash resources and other valuables entrusted to the licensee for safekeeping shall include a copy of the receipt furnished to the resident as specified in (d) above or to his responsible person. The receipt provided to the resident for money or valuables entrusted to the licensee shall be original and include the resident's and/or his responsible person's signature.
  - (3) Bank records for transactions of cash resources deposited in and drawn from the account as specified in (g) below.
- (g) Immediately upon admission, residents' cash resources entrusted to the licensee and not kept in the licensed facility shall be deposited in any type of bank, savings and loan or credit union account, which is maintained separate from the personal or business accounts of the licensee, provided that the account title clearly notes that it is residents' money and the resident has access to the money upon demand to the licensee.
- (1) Such accounts shall be maintained in a local bank, savings and loan or credit union authorized to do business in California, the deposits of which are insured by a branch of the Federal Government; except, however that a local public agency may deposit such funds with the public treasurer.
  - (2) Cash resources entrusted to the licensee for residents and kept on the facility premises shall be kept in a locked and secure location.
- (h) Upon discharge of a resident, all cash resources, personal property and valuables of that resident which have been entrusted to the licensee shall be surrendered to the resident, or his responsible person. A signed receipt shall be obtained.
- (i) Upon the death of a resident, all cash resources, personal property, and valuables of that resident shall immediately be safeguarded.
- (1) All cash resources shall be placed in an account as specified in (g) above.

- (2) The executor or the administrator of the estate shall be notified by the licensee, and the cash resources, personal property, and valuables surrendered to said party.
- (3) If no executor or administrator has been appointed, the responsible person shall be notified, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed itemized receipt.
- (4) If the licensee is unable to notify a responsible party as specified above, immediate written notice of the resident's death shall be given to the public administrator of the county as provided by Section 1145 of the California Probate Code.

(~~f~~j) Whenever there is a change of licensee/, ~~T~~the licensee shall:

- (1) notify the licensing agency of any pending change of licensee, and
  - (2) shall provide the licensing agency an accounting of all residents' cash resources, personal property and valuables entrusted to his/her care. Such accounting shall be made on a form provided or approved by the Department.
- (~~2~~k) When the licensing agency approves the application for the new licensee, the form specified in (~~1~~2) above shall be updated, signed by both parties, and forwarded to the licensing agency.
- (~~g~~l) All monetary gifts, and any gift exceeding an estimated value of \$100, which are given to a licensee by or on behalf of a resident shall be recorded. The record shall be attached to the account specified in (~~h~~f) above. This shall not include monetary gifts or valuables given by the friends or relatives of a deceased resident.

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.30, 1569.31, 1569.60 and 1569.61, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 22 1991

At 4:19 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By [Signature]  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0501-03  
-----

[Signature]  
JOHN D. SMITH  
Deputy Director

05/22/91  
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## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-90-1228-01	91-0426-01		90-1220-01E

For use by Office of Administrative Law (OAL) only

**FILED**  
In the office of the Secretary of State  
of the State of California

MAY 28 1991

At 3:52 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*  
Deputy Secretary of State

NOTICE	REGULATIONS
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AGENCY

AGENCY FILE NUMBER (if any)

Department of Social Services

RDB #1290-55

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91-#2-2	PUBLICATION DATE 1-11-91	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Division 30, Sections 30-002, 342, and 442; Division 42, Section 42-213; Division 44, Section 44-111; and Division 45, Section 45-201.
TITLE(S) MPP	REPEAL

## 2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)  
April 4, 1991 through April 18, 1991 (Sections 30-002, 342, and 442; 42-213; 44-111; and 45-201)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

*[Signature]*

DATE

4-26-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) ( REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 30-002 to read:

30-002 DEFINITIONS (Continued)

30-002

- i. (1) "Independent Living Program" (ILP) means the program authorized under ~~Title IV-E~~ 42 U.S.C. 677 of the Social Security Act for services and activities to assist eligible children in foster care to make the transition from foster care to independent living.
- (2) (Continued)
- (3) (Continued)
- w. (1) "Written transitional independent living plan" means a written description of the programs and services, including employment, as appropriate, based on an assessment of the individual child's skills and abilities, which will help the child prepare for transition from foster care to independent living.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. Section 675 and Sections 366.3 and 11008.15, Welfare and Institutions Code.



Amend Section 30-342 to read:

30-342 PLACEMENT CASE MANAGEMENT (Continued)

30-342

- .5 For each child in placement age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment as appropriate, which will help the child prepare for the transition from foster care to independent living.
- .51 The written transitional independent living plan shall be incorporated into the assessment and service plan specified in Sections 30-332 and 30-334.
- .52 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.
- .53 Independent living services shall be provided as appropriate, based on the written transitional independent living plan.
- .54 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).
- .545 ~~If employment is~~ When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

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HANDBOOK BEGINS HERE

.551 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

.54512 Welfare and Institutions Code Sections 11008.15 and 11155.5 specify in part:

- (a) The case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.
- (b) A child participating in the Independent Living Program (ILP) may retain any cash savings, including interest accumulated, if it is part of his/her independent living case plan.

- (c) The cash savings of a child accumulated through participation in the ILP shall be his/her own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- (d) The cash savings of a child accumulated through participation in the ILP shall be used for purposes directly related to the emancipation of that child.
- (e) The cash savings of a child accumulated through participation in the ILP shall be kept separate from other types and sources of cash savings.
- (f) The withdrawal of cash savings of a child accumulated through participation in the ILP shall require the written approval of the child's social worker or probation officer and shall be directly related to the goal of emancipation.

HANDBOOK ENDS HERE

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.56 If transitional independent living services are not appropriate, the social worker shall document in the case record the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.

.57 The written transitional independent living plan shall be in place as specified in Sections 30-342.5 through .55; however, services shall be subject to the continued availability of federal independent living funds.

.6 (Continued)

.61 (Continued)

.611 (Continued)

.62 (Continued)

.63 (Continued)

.7 (Continued)

.71 (Continued)

.72 (Continued)

.73 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. Sections 675 and 677 and Sections 11008.15 and 11155.5, Welfare and Institutions Code.

Amend Section 30-442 to read:

30-442 PLACEMENT CASE MANAGEMENT

30-442

- .5 For each child in placement, age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment, as appropriate, which will help the child prepare for the transition from foster care to independent living.
- .51 The written transitional independent living plan shall be incorporated into the assessment and service plan specified in Sections 30-432 and 30-434.
- .52 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.
- .53 Independent living services shall be provided, as appropriate, based on the written transitional independent living plan.
- .54 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).
- .545 If employment is When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

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HANDBOOK BEGINS HERE

.551 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

.54512 Welfare and Institutions Code Sections 11008.15 and 11155.5 specify in part:

- (a) The case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.
- (b) A child participating in the Independent Living Program (ILP) may retain any cash savings, including interest accumulated, if it is part of his/her independent living case plan.

- (c) The cash savings of a child accumulated through participation in the ILP shall be his/her own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- (d) The cash savings of a child accumulated through participation in the ILP shall be used for purposes directly related to the emancipation of that child.
- (e) The cash savings of a child accumulated through participation in the ILP shall be kept separate from other types and sources of cash savings.
- (f) The withdrawal of cash savings of a child accumulated through participation in the ILP shall require the written approval of the child's social worker or probation officer and shall be directly related to that child's emancipation.

HANDBOOK ENDS HERE

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- .556 If transitional independent living services are not appropriate, the social worker shall document in the case record the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.
- .557 The written transitional independent living plan shall be in place as specified in Sections 30-442.5 through .55; however, services shall be subject to the continued availability of federal independent living funds.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. Section 675 and 677 and Sections 11008.15 and 11155.5, Welfare and Institutions Code.

Amend Section 42-213.2 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING  
PROPERTY WHICH MAY BE RETAINED (Continued)

42-213

.2 Personal Property to Be Excluded

The following are excluded from consideration in personal property reserve limitations (see Section 42-207.1).  
(Continued)

- aa. Any cash savings and interest accumulated pursuant to the Independent Living Program (ILP) written transitional independent living plan and retained by a child who is 16 years of age or older and is participating in the ILP. There is no limit to the amount that may be retained under this subsection.

HANDBOOK BEGINS HERE

See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11155.5, Welfare and Institutions Code.

Amend Section 44-111.2 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111  
AS INCOME (Continued)

.2 Exemption of Earned Income (Continued)

.26 Independent Living Program (ILP)

.261 Income and incentive payments earned by a child 16 years of age or older who is participating in the Independent Living Program (ILP) are exempt as income for purposes of eligibility and grant determination when received as part of the ILP written transitional independent living plan. There is no limit to the amount exempted under this subsection.

HANDBOOK BEGINS HERE

See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11008.15, Welfare and Institutions Code.

Amend Section 45-201 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS

45-201

.1 The child shall meet: (Continued)

.12 The property requirements in Chapter 42-200;

.121 In addition Pursuant to the personal property exclusions permitted by Section 42-213.2 aa., all any cash savings/ and including interest earned thereon/ accumulated pursuant to the Independent Living Program (ILP) written transitional independent living plan and retained by a child who is 16 years of age or older and is through participation in the Independent Living Program (ILP) shall be is exempt for the purposes of determining eligibility and grant amount/ provided.

(a) The savings are identified as monies received pursuant to Section 45-201.181/ and

(b) The savings are kept separate from other types of cash savings and property/ and

(c) The requirements of Section 30-342 or 30-442 are met/

.122 There is no limit to the amount of savings that may be retained under Section 45-201.121.

HANDBOOK BEGINS HERE

See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

HANDBOOK ENDS HERE

.13 (Continued)

.14 The citizenship and alienage requirements in Subchapter 42-430;

.15 The social security enumeration requirements in Section 40-105.2; and



.16 The income requirements in Chapter 44-100/.

.161 In addition to the income exclusions permitted by Pursuant to Section 44-111.261, any income and incentive payments earned by a child 16 years of age or older who is through participating in the ILP shall be considered are exempt for the as income for purposes of determining eligibility and payment amount/ provided/ grant determination when received as part of the ILP written transitional independent living plan.

1a) The child's ILP case plan states that the purpose of the employment is to enable the child to gain knowledge of needed work skills/ work habits/ and the responsibilities of maintaining employment/ and

1b) The income and incentive payments earned are a direct result of the child's participation in ILP activities/ and

1c) The requirements of Section 30-342 or 30-442 are met/

.162 There is no limit to the amount of income the child may earn exempted under Section 45-201.161.

163 Interest income accumulated pursuant to Section 45-201.121 is exempt from consideration as income/

#### HANDBOOK BEGINS HERE

See Sections 30-002i.(1), w.(1), 30-342.5, and 30-442.5 for the definition and description of ILP.

#### HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11008.15 and 11155.5, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL

MAY 28 1991

At 3:52 o'clock P M.  
MARCH FONG EU, Secretary of State  
By *[Signature]*  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
-----

OAL File No: 91-0426-06  
-----

*[Signature]*  
JOHN D. SMITH  
Deputy Director

05/28/91  
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## NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 91-0503-04N	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 MAY -3 PM 4:47

OFFICE OF  
ADMINISTRATIVE LAW

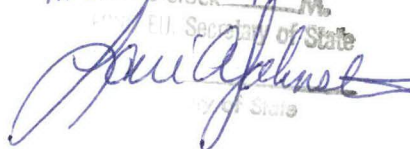
FILED

In the Office of the Secretary of State  
of the State of California

MAY 28 1991

At 3:52 o'clock P.M.

J. J. Secretary of State



AGENCY	AGENCY FILE NUMBER (if any)
State Department of Social Services	RDB# 1190-54

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

## 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND See attached
	REPEAL Division 6, Sections 30000(d) and (e)
TITLE(S) 22	

## 2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

## 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

## 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
--	---	--

## 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

## 6. CONTACT PERSON

Rosalie Clark, Chief, Regulations Development Bureau

## TELEPHONE NUMBER

(916) 445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

5-1-91

TYPED NAME AND TITLE OF SIGNATORY

Lonnie Carlson, Interim Director

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

16 MAY 24 01 76 AM  
OFFICE OF ADMINISTRATIVE LAW  
SERVICES  
RECEIVED

Title 22, Sections being amended:

Division 6, Sections 80001, 80006, 80007, 80020, 80041, 80051, 81000, 81001, 81022, 81031, 81064, 81064.1, 82000, 82065.1, 82500, 82501, 82565.1, 82565.5, 83000, 83001, 84000, 84001, 84064, 85000, 85001, 87001, 87006, 87007, 87030, 87041, 87051, 87101, 87106, 87231, 87341, 87569, 87570, and 87112; and Division 12, Sections 101152, 101157, 101171, 101192, 101202, 101205, 101251, 101252, 101316.5, 102352, and 102417.



OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California

CERTIFICATION  
OF  
APPROVAL

MAY 28 1991

At 3:52 o'clock P M.  
MARCH FONG EU, Secretary of State  
By \_\_\_\_\_  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 91-0503-04  
-----

  
JOHN D. SMITH  
Deputy Director

05/28/91  
-----

CHAPTER 1 -- GENERAL LICENSING REQUIREMENTS

Article 1. GENERAL DEFINITIONS

80000 GENERAL

80000

- (a) The general regulations in this chapter shall apply to all community care facilities regulated by Division 6, Chapters 2 through 7 and Chapter 9, except where specifically exempted. Additional or special requirements found in the corresponding chapters pertaining to each category shall apply only to such individual facility categories.
- (b) The licensee shall ensure compliance with all applicable law and regulations.
- (c) An existing facility licensed as a Large Family Home for Children shall be required, by April 1, 1984, to choose one of the following licensing categories and to document the choice by completing and forwarding a form LIC 200 to the licensing agency. The facility shall be required to meet the requirements of the chosen category by July 1, 1984. Between January 1, 1984 and July 1, 1984 the facility shall comply with the requirements for Small Family Home Facilities except for changes from the previous requirements regarding capacity and physical environment.
- (1) Group Home, as specified in this Chapter and Chapter 5.
- (2) Small Family Home, as specified in this Chapter and Chapter 4.

HANDBOOK BEGINS HERE

- (A) Licensees who choose this option shall be required to reduce their facility's licensed capacity to six or fewer children.

HANDBOOK ENDS HERE

- (3) Foster Family Home, as specified in Chapter 7.5.

HANDBOOK BEGINS HERE

- (A) Licensees who choose this option shall be required to reduce their facility's licensed capacity to six or fewer children.

HANDBOOK ENDS HERE

Repeal Sections 80000(d) and (e):

80000 (Cont.)

GENERAL LICENSING REQUIREMENTS

Regulations

80000

80000 GENERAL (Continued)

(d) An existing facility licensed as a Large Family Home for Adults, Small Family Home for Adults, or Group Home for Adults shall be required to meet the requirements for Adult Residential Facilities as specified in this Chapter and Chapter 6 by April 1, 1984. Between January 1, 1984 and April 1, 1984 the facility shall comply with the requirements for Adult Residential Facilities except for changes from the previous requirements regarding physical environment, staff training and provision of care and supervision to minors who are not emancipated as specified in Section 86001(a)(1) and Civil Code Section 62.

(e) An existing facility licensed as a Large Family Day Home - Adults or Small Family Day Home - Adults shall by April 1, 1984, meet the requirements for Adult Day Care Facilities. Between January 1, 1984 and April 1, 1984 the facility shall comply with the requirements for Adult Day Care Facilities except for changes from the previous requirements regarding physical environment, staff training, staff ratios, and provision of care and supervision to minors who are not emancipated as specified in Section 86001(a)(1) and Civil Code Section 62.

(f) Repealed by Manual Letter No. CCL-91-01, effective 1/9/91.

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Amend Section 80001 to read:

80001 DEFINITIONS

80001

~~1a~~ The following general definitions shall apply wherever the terms are used throughout Division 6, Chapters 1 through 7 and Chapter 9, except where specifically noted otherwise. Additional definitions found at the beginning of each chapter in this division shall apply only to such specific facility category.

a. (1) "Administrator" (Continued)

(2) "Adult" (Continued)

(3) "Adult Day Care Facility" (Continued)

~~1a~~ (4) "Adult Day Support Center" (Continued)

(5) "Adult Residential Facility" (Continued)

(6) "Applicant" (Continued)

(7) "Authorized Representative" (Continued)

b. (~~8~~1) "Basic Rate" (Continued)

(~~9~~2) "Basic Services" (Continued)

c. (10) "Capacity" (Continued)

(~~11~~2) "Care and Supervision" (Continued)

(A) through (H) (Continued)

(I) Providing basic services as defined in Section 80001/~~a~~b.(~~9~~2).

(~~12~~3) "Cash Resources" (Continued)

(~~13~~4) "Child" (Continued)

(~~14~~5) "Child Care Center" means any facility of any capacity other than a family day care home as defined in Section ~~88002~~/~~1~~102352f.(1) in which less than 24-hour per day nonmedical supervision is provided for children in a group setting.

(~~15~~6) "Client" (Continued)

- (167) "Community Care Facility" means any facility, place or building where nonmedical care and supervision, as defined in Section 80001(~~4c~~)(112) are provided.
- (178) "Completed Application" (Continued)
- (189) "Conservator" (Continued)
- (190) "Consultant" (Continued)
- d. (201) "Deficiency" (Continued)
- (21) "Department" (Continued)
- (223) "Developmental Disability" (Continued)
- (234) "Dietitian" (Continued)
- (245) "Director" (Continued)
- e. (251) "Elderly Person" (Continued)
- (26) "Evaluator" (Continued)
- (273) "Exception" (Continued)
- (284) "Exemption" (Continued)
- (295) "Existing Facility" (Continued)
- f. (Reserved)
- g. (301) "Group Home" (Continued)
- (312) "Guardian" (Continued)
- h. (321) "Home Economist" (Continued)
- i. (331) "Infant" (Continued)
- j. (Reserved)
- k. (Reserved)
- l. (341) "License" (Continued)
- (352) "Licensee" (Continued)
- (36) "Licensing Agency" (Continued)
- m. (371) "Mental Disorder" (Continued)

- n. (381) "Nonambulatory Person" (Continued)
- (392) "Nutritionist" (Continued)
- o. (Reserved)
- p. (401) "Physician" (Continued)
- (412) "Provision" or "Provide" (Continued)
- (423) "Provisional License" (Continued)
- q. (Reserved)
- r. (431) "Renewal/Revocation Facilities" (Repealed with OAL File #90-1210-01N)
- (431) "Relative" (Continued)
- s. (441) "Serious Deficiency" (Continued)
- (452) "Small Family Home" (Continued)
- (463) "Social Rehabilitation Facility" (Continued)
- (47) "Social Worker" (Continued)
- (485) "SSI/SSP" (Continued)
- (496) "Substantial Compliance" (Continued)
- (507) "Substantiated Complaint" (Continued)
- t. (51) "Transfer Trauma" (Continued)
- u. (521) "Unlicensed Community Care Facility" means a facility as defined in Health and Safety Code Section 1503.5.
- (A) (Continued)
- (B) A facility which is "providing care and supervision" as defined in Section 80001(a)(c)(102) includes, but is not limited to, one in which an individual has been placed by a placement agency of family members for temporary or permanent care. (Continued)
- (532) "Urgent Need" (Continued)

v. (Reserved)

w. (§41) "Waiver" (Continued)

x. (Reserved)

y. (Reserved)

z. (Reserved)

Amend Section 80006 to read:

80006 OPERATION WITHOUT A LICENSE

80006

- (a) An unlicensed facility as defined in Section 80001 <sup>u.</sup> ~~(a) (1)~~, is in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code unless exempted from licensure pursuant to Section 80007.
- (b) If the facility is alleged to be in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code Section 1538.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1538(c) provides in part:

Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint. In either event, the complainant shall be promptly informed of the state department's proposed course of action. (Continued)

HANDBOOK ENDS HERE

except where a visit would adversely affect the licensing investigation or the investigation of other agencies.

6

80007 EXEMPTION FROM LICENSURE (Continued)

(6) Any school dormitory or similar facility where all of the following conditions exist:

(A) The school is certificated/registered by the State Department of Education.

(B) The school and the school dormitory are on the same grounds.

(C) All children accepted by the school are six years of age or older.

(D) The program operates only during normal school terms unless the academic program runs year-around.

(E) The school's function is educational only.

(F) The school program is not designated as providing rehabilitative or treatment services.

(G) The school's function does not promote intent to provide community care services, and the facility does not accept children who are in need of such services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code Section 300, and juveniles declared wards of the court under Welfare and Institutions Code Section 601 and 602.

(H) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs.

(I) No public or private agency, including but not limited to county welfare department and probation offices, provides social services to children in the facility.

(7) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Section 80001 ~~1/2~~ (10).

(Continued)

C. 2

*Amend Section 80020 to read:*

80020 (Cont.)

GENERAL LICENSING REQUIREMENTS

Regulations

80020

80020 FIRE CLEARANCE (Continued)

(2) Persons who are nonambulatory, as defined in Section 80001(a)(26).

HANDBOOK BEGINS HERE

(A) Persons who use postural supports pursuant to Section 80072(a)(8) are nonambulatory.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1528 and 1531, Health and Safety Code.

80041

80041 DENIAL OF A RENEWAL LICENSE

(a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:

E (1) The licensee is not in substantial compliance, as defined in Section 80001 ~~(a)(2)~~, with applicable law and regulation at the time of the renewal.) <sup>S. 6</sup>

(2) Failure to substantially comply with licensing requirements has resulted in the Department's action to suspend or revoke the license or to seek other remedies as provided by law.

(3) The licensee has failed to pay any civil penalty assessments pursuant to Section 80054 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.

(4) The licensee refuses or fails to pay the renewal processing fee as specified in Section 80036(b)(2).

(b) If the application for a renewal license is denied, the licensing agency shall mail the licensee a written notice of denial.

(1) The notification shall inform the licensee of and set forth the reasons for the denial, and shall advise the licensee of the right to appeal.

(c) If the application for a renewal license is denied, the renewal processing fee shall be forfeited. *(Continued)*

9



Amend Section 80051 to read:

80051

80051 SERIOUS DEFICIENCIES

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HANDBOOK BEGINS HERE

- (a) The following are examples of regulations which if not complied with nearly always result in a serious deficiency.
- (1) Section 80010 relating to limitations on the capacity or ambulatory status of facility clients.
  - (2) Section 80019 relating to criminal record clearance.
  - (3) Section 80020 relating to fire clearance.
  - (4) Section 80021 relating to water supply.
  - (5) Section 80072 relating to client rights.
  - (6) Section 80073 relating to telephone service.
  - (7) Section 80075(h) through (j) relating to storing and dispensing medications.
  - (8) Section 80076 relating to food storage, preparation and service.
  - (9) Section 80087 relating to safety of client accommodations.
  - (10) Section 80088(e)(1), (2), and (3) relating to hot water temperature and toilet facilities.
  - (11) Section 80088(f) relating to storage and disposal of solid wastes.
  - (12) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 80001~~(a)~~<sup>(1)</sup> ~~(b)~~<sup>(2)</sup>.

S. I HANDBOOK ENDS HERE

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1534, Health and Safety Code.

## 80061 REPORTING REQUIREMENTS (Continued)

(c) The items below shall be reported to the licensing agency within 10 working days following the occurrence.

(1) The organizational changes specified in Section 80038<sup>4</sup>(a)(2).

(2) Any change in the licensee's or applicant's mailing address.

(3) Any change of the chief executive officer of a corporation or association.

(A) Such notification shall include the new chief executive officer's name and address.

(B) Fingerprint cards shall be submitted as specified in Section 80019(c)(1).

(4) Any changes in the plan of operation which affect the services to clients.

(d) The items specified in (b)(1)(A) through (H) above shall also be reported to the client's authorized representative, if any.

(e) The items specified in (b)(1)(E) through (G) above shall also be reported to the local health officer when appropriate pursuant to Title 17, California Administrative Code, Sections 2500, 2502 and 2503.

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HANDBOOK BEGINS HERE

(1) Title 17, California Administrative Code, Section 2500 requires:

It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose. (Continued)

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HANDBOOK CONTINUES

Amend Section 81000 to read:

81000

81000 GENERAL

- £ (a) Social Rehabilitation Facilities, as defined in Section 80001(~~4~~)s. (403), shall be governed by the provisions specified in this chapter and in Chapter 1, General Licensing Requirements. (continued)

Amend Section 81001 to read:

81001

81001 DEFINITIONS

~~/d/~~ In addition to Section 80001, the following shall apply:

- a. and b. (Reserved)  
c. (1) "Certified" (Continued)
- d. (21) "Direct-Care Staff" (Continued)
- e. (31) "Evict" or "eviction" (Continued)
- f. through k. (Reserved)
- l. (41) "Long-Term Residential Treatment Program" (Continued)
- m. (51) "Mental Illness" means the mental condition of any adult who has been evaluated and referred for treatment for a mental disorder, as defined in Section 80001~~/d/~~m. (761).
- n. (61) "Needs and Services Plan" (Continued)
- o. (71) "On-Call Staff" (Continued)
- p. (81) "Program Director" (Continued)
- (91) "Program Type" means the type of program as defined in Sections 81001~~/d/~~l. (1), ~~/10/~~s. (1) and ~~/12/~~t. (1) that may be provided by a social rehabilitation facility.
- q. and r. (Reserved)
- s. (10) "Short-Term Crisis Residential Program" (Continued)
- (112) "Social Rehabilitation Facility" (Continued)
- t. (12) "Transitional Residential Program" (Continued)
- (132) "Treatment Program" (Continued)
- (143) "Treatment/Rehabilitation Plan" (Continued)

Amend Section 81022 to read:

81022

81022 PLAN OF OPERATION

- (a) (Continued)
- (b) In addition to Subsection (a) above, any facility with a certified Long-Term Residential Treatment Program shall submit the following information to the licensing agency:
  - (1) The treatment program which shall include those services specified in Section 81001(~~s~~)l.(41).
- (c) In addition to Subsection (a) above, any facility with a certified Short-Term Crisis Residential Program shall submit the following information to the licensing agency:
  - (1) The treatment program which shall include those services specified in Section 81001(~~s~~)s.(10).
- (d) In addition to Subsection (a) above, any facility with a certified Transitional Residential Program shall submit the following information to the licensing agency:
  - (1) The treatment program which shall include those services specified in Section 81001(~~s~~)t.(12).

Amend Section 81031 to read:

81031

81031 ISSUANCE OF LICENSE

(a) In addition to Section 80031, the following shall apply:

(b) Within 90 days of the date that a completed application, as defined in Section 80001(~~g~~c. (168)), has been received, the licensing agency shall give written notice to the applicant of one of the following: (Continued)

Amend Section 81064 to read:

81064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued) 81064

- Σ (f) Persons employed as the administrator in an Adult Residential Facility serving clients who meet the definition of "mental illness" as contained in Section 81001(4)(m) (1) as of the effective date of this section, shall not be required to meet the education/experience requirements specified in (c) above. (Continued)

Amend Section 81064.1 to read:

81064.1 PROGRAM DIRECTOR QUALIFICATIONS AND DUTIES 81064.1

(a) All Social Rehabilitation Facilities shall have a program director.

(b) The program director shall be on the premises the number of hours necessary to manage and administer the treatment program of the facility in compliance with California Code of Regulations, Title 9, Subchapter 3, Article 3.5, Sections 531 through 535 and Title 22, Division 6, Chapter 2, Sections 81001(~~4~~)1, s.(10) and t.(12). (Continued)



## CHAPTER 3. ADULT DAY CARE FACILITIES

## Article 1. General Requirements

*Amend Section 82000 to read:*

82000

## 82000 GENERAL

- E (a) Adult day care facilities, as defined in Section 80001~~(a)~~(3), shall be governed by the provisions specified in this chapter and<sup>1</sup> in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1530 and 1531, Health and Safety Code.

Amend Section 82065.1 to read:

**82065.1 PERSONNEL QUALIFICATIONS AND DUTIES (Continued) 82065.1**

(b) Care staff shall be responsible for care and supervision, as defined in Section 80001/~~§~~c.(~~102~~), of clients. (Continued)

(1) (Continued)

(2) Direct care staff shall be responsible for care and supervision of participants, as defined in Section 80001/~~§~~c.(~~102~~). (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502.2, 1531, and 1562, Health and Safety Code.

CHAPTER 3.5 *Adult Day Support Centers*

## Article 1. General Requirements

*Amend Section 82500 to read:*

82500

82500 GENERAL

- E* (a) *Adult Day Support Centers*, as defined in Section 80001~~4~~<sup>4</sup>(4), shall be governed by the provisions specified in this chapter and in Chapter 1, General Licensing Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Amend Section 82501 to read:

82501            DEFINITIONS

82501

~~/d/~~ In addition to Section 80001, the following shall apply:

- a.    (1)    "Adult Day Support Center Services" means those non-medical services provided in an adult day support center to adults with physical, emotional or mental impairments, and who require assistance and supervision. Such persons include, but are not limited to, the following: (Continued)
- (2)    "Assessment" means a written evaluation which identifies the participant's strengths and his/her social and other related needs.
- b.    (Reserved)
- c.    (~~1~~)    "Careprovider" means any person or institution having the responsibility for the participant's primary care needs outside the center.
- (~~2~~)    "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject and/or to provide services not otherwise available through the center's personnel.
- d.    (~~1~~)    "Direct Care Staff" means those persons in the center who provide care and supervision to participants at least 70 percent of the hours of program operations per month or who supervise direct care staff.
- e.    (Reserved)
- f.    (~~1~~)    "Formal Supports" means the formal network of social, health, financial, and other services offered by public and private agencies.
- (72)    "Functionally Impaired Adult" means an adult who does not require continuous on-site medical supervision, yet has a limited capacity for independence in the following:
- (A)    In activities of daily living such as grooming, bathing, toileting and other hygiene care.
- (B)    In instrumental activities of daily living such as paying bills, cooking, shopping and using the telephone.

g.    (Reserved)

h.    (Reserved)

i.    (§1) "Individual Plan of Care" means a written plan of services provided to a participant of an adult day support center according to the documented assessed needs of that participant.

j. through o.    (Reserved)

p.    (§1) "Participant" means any person admitted to an adult day support center. Participant is equivalent to "client" as used in the general licensing requirements.

q.    (Reserved)

r.    (Reserved)

s.    (Reserved)

t. through z.    (Reserved)

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1502.2, and 1531, Health and Safety Code.

82565.1 PERSONNEL QUALIFICATIONS AND DUTIES

82565.1

- (a) The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all direct care staff.
- (1) The plan shall require direct care staff to receive and document a minimum of 20 clock hours of continuing education during the first 18 months of employment or within 18 months after the effective date of these regulations, and during each three-year period thereafter.
- (2) The administrator shall receive and document a minimum of 30 clock hours of continuing education every 24 months of employment.
- (3) Continuing education shall include completion of courses related to the principles and practices of care of the functionally impaired adult including, but not limited to, workshops, seminars, and academic classes.
- (A) Courses shall be approved in writing by the licensing agency.
- (b) For each group of 25 participants, or fraction thereof, there shall be at least one direct care staff person who has a baccalaureate degree in a health, social or human service field, or one year documented full-time experience providing direct services to frail or physically, cognitively, or emotionally impaired adults.
- (c) The program shall provide staff to perform the following duties:
- (1) Support staff
- (A) Administrative support, including clerical, bookkeeping, and accounting.
- (B) Cooking.
- (C) Housecleaning.
- (D) Maintenance of *center* buildings, grounds, fixtures, furniture, equipment, and supplies.
- (2) Direct care staff shall be reasonable for care and supervision of participants, as defined in Section 80001(a)(10). (Continued)
- 6  
5
- 2  
2

23

Amend Section 82565.5 to read:

82565.5

82565.5 STAFF-TO-PARTICIPANT RATIO

- (a) There shall be an overall ratio of not less than one direct care staff member providing care and supervision for each group of eight participants, or fraction thereof, present.

- (b) Notwithstanding Section 80065(c), volunteers may be included in the staff-to-participant ratio if the volunteer meets the requirements for direct care staff as specified in Section 82501~~(a)~~<sup>(d. 1)</sup>.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502.2, and 1531, Health and Safety Code.

Amend Section 83000 to read:

Regulations

SMALL FAMILY HOMES

83001

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS

83000 GENERAL

83000

- (a) Small family homes, as defined in Section 80001<sup>S. 2</sup>, shall be governed by the provisions specified in this chapter. In addition, such small family homes, except where specified otherwise shall be governed by Chapter 1, General Requirements.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code.  
Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.



Amend Section 83001 to read:

83001            DEFINITIONS

83001

~~/d/~~ In addition to Section 80001, the following shall apply.

- a.    (Reserved)
- b.    (Reserved)
- c.    (1)    "Child" means a person who is under 18 years of age who is being provide care and supervision in a small family home, except where specified otherwise in this chapter.
- d.    (21)   "Disability" means a conditions which makes a person developmentally disabled, mentally disordered or physically handicapped and for whom special care and supervision is required as a result of their condition.
- e. through g.    (Reserved)
- h.    (31)   "Home" means a licensed small family home.
- i. through k.    (Reserved)
- l.    (41)   "Licensee's Family" means any relative as defined in Section 80001~~/d/r.~~(421) any adopted children, and any person under guardianship or conservatorship, of the licensee, or the licensee's spouse, who resides in the home.
- m.    (Reserved)
- n.    (51)   "Needs and Services Plan" means a time-limited, goal oriented written plan implemented by the licensee which identifies the specific needs of an individual child, including but not limited to the items specified in Section 83068.2, and delineates those service needs necessary in order to meet the child's identified needs.
- o. through z.    (Reserved)

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 84000 to read:

84000            GENERAL

84000

- (a) Group homes, as defined in Section 80001/~~27g~~.(281), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

Authority Cited:    Section 1530, Health and Safety Code.

Reference:           Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 84001 to read:

84001        DEFINITIONS

84001

~~/x/~~ In addition to Section 80001, the following shall apply:

- a.    (Reserved)
- b.    (Reserved)
- c.    (1)    "Child" means a person who is under 18 years of age and who is being provided care and supervision in a group home, except where specified otherwise in this chapter.
- d.    (21)   "Discipline" means a penalty assessed by the facility against a child for his/her violation of the group home's rules, commitment of illegal actions or damage to property.
- e.    (Reserved)
- f.    (31)   "Facility Manager" as defined in Health and Safety Code Section 1522.4(a)(1).

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HANDBOOK BEGINS HERE

- (A)    Section 1522.4(a)(1) defines a "facility manager" as "a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients." The facility manager, licensee, and administrator, or any combination thereof, may be the same person ~~provided~~ if he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility, this person shall be limited to the administration and management of only one facility.

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HANDBOOK ENDS HERE

- g.    (41)   "Group Home" means a facility which provides 24-hour nonmedical care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.

h. through m.      (Reserved)

n.    (§1) "Needs and Services Plan" means a time-limited, goal-oriented written plan, implemented by the licensee, which identifies the specific needs of an individual child, including those items specified in Section 84068.2; and delineates those services necessary in order to meet the child's identified needs.

o.    (Reserved)

p.    (Reserved)

q.    (§1) "Qualified Mental Retardation Professional" means a person described in Title 22, Division 5, Chapter 8, Section 76834.

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#### HANDBOOK BEGINS HERE

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Section 76834 defines a "qualified mental retardation professional" as "a person who has specialized training or two (2) years of experience in treating or working with the developmentally disabled and is one of the following:

- (A) A psychologist with a master's degree from an accredited program.
- (B) A physician as defined in Section 76826.
- (C) An educator with a degree in education from an accredited program.
- (D) A Social Worker with a bachelor's degree in:
  - (1) Social work from an accredited program; or
  - (2) A field other than social work and at least three (3) years of social work experience under the supervision of a social worker with a master's degree.
- (E) A physical therapist as defined in Section 76825.
- (F) An occupational therapist as defined in Section 76822.
- (G) A speech pathologist as defined in Section 76840.

- (H) An audiologist as defined in Section 76802.
- (I) A registered nurse as defined in Section 76835.
- (J) A recreation therapist as defined in Section 76834.
- (K) A rehabilitation counselor as defined in Section 76836.

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HANDBOOK ENDS HERE

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r. (Reserved)

s. (71) "Satellite Home" means a facility which is owned by, contracted with, or otherwise controlled by the licensee of another group home. The primary function of the satellite home is to provide residential services to children who are former clients of the primary group home and/or to children who receive direct services from the primary group home. As specified in Section 80008(b), each satellite home is required to independently meet regulations applicable to its licensed category.

(82) "Social Work Staff" means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.

(A) Such alternative means shall include services provided by the social work staff of placement agencies only when such services are within the scope of the duties assigned to the worker by his/her agency.

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HANDBOOK BEGINS HERE

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(B) Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

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HANDBOOK ENDS HERE

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t. through z. (Reserved)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1503, 1522.4 and 1531,  
Health and Safety Code; and Section 11406(c),  
Welfare and Institutions Code.

84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES

84064

- (a) In addition to Section 80064, the following shall apply.
- (b) All group homes shall have an administrator.
- (c) The administrator shall be on the premises for the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) When the administrator is absent, one of the following requirements shall be met:
- (1) In facilities with a licensed capacity of 12 or fewer children, there shall be coverage by a designated staff person.
  - (2) In facilities with a licensed capacity of 13 or more children, there shall be coverage by a designated substitute who has the following qualifications:
    - (A) Graduation from high school or equivalent.
    - (B) One year of administrative or supervisory experience over social work, child care and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (e) The administrator shall meet the requirements specified below:
- (1) The administrator of a facility with a licensed capacity of 12 or fewer children shall meet one of the following requirements:
    - (A) Have a master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker, as defined in Section 80001~~(a)~~(46), in an agency serving children or in a group residential program for children.  
S.
    - (B) Have a bachelor's degree from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.

## 84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)

84064

- (C) Have completed at least two years at an accredited college or university, plus at least two years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (D) Have completed high school, or equivalent, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (2) The administrator of a facility with a licensed capacity of 13 or more children shall meet one of the following requirements:
- (A) Have a master's degree in a behavioral science from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (B) Have a master's degree in a behavioral science from an accredited college or university, plus two years of employment as a social worker, as defined in Section 80001~~1/4~~<sup>S.</sup>(4), in an agency serving children or in a group residential program for children.
- (C) Have a bachelor's degree from <sup>S.</sup>an accredited college or university, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (D) Have completed at least two years at an accredited college or university, plus at least five years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more. (Continued)



Amend Section 85000 to read:

85000            GENERAL

85000

- (a) Adult residential facilities, as defined in Section 80001/a.7(~~4~~5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

Amend Section 85001 to read:

85001            DEFINITIONS

85001

~~/d/~~ In addition to Section 80001, the following shall apply.

a. through m.        (Reserved)

n.    (1)    "Needs and Services Plan" means a written plan which identifies the specific needs of an individual client, including those items specified in Section 85068.2, and delineates those services necessary to meet the client's identified needs.

o. through z.        (Reserved)

Authority Cited:    Section 1530, Health and Safety Code.

Reference:            Sections 1501, 1530 and 1531, Health and Safety Code.

Amend Section 87001 to read:

87001            DEFINITIONS

87001

~~/d/~~ The following definitions shall apply whenever the terms are used throughout this chapter.

- a.    (1)    "Adult" means a person who is 18 years of age or older.
- (2)    "Applicant" means any adult who has made application for an initial or renewal foster family home license.
- (3)    "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.
- b.    (~~4~~1)    "Basic Rate" means the rate charged by a facility to provide basic services. For SSI/SSP recipients, the basic rate means the established nonmedical out-of-home care rate which includes any exempt income allowance but does not include that amount allotted for the recipient's personal and incidental needs.
- (~~5~~2)    "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a community care facility license.
- c.    (~~6~~1)    "Capacity" means the maximum number of persons authorized to be provided care and supervision at any one time in any licensed facility.
- (72)    "Care and Supervision" means any one or more of the following activities provided by a licensee to meet the needs of the children:
- (A)    Assistance in dressing, grooming, bathing and other personal hygiene.
- (B)    Assistance with taking medication, as specified in Section 87075.
- (C)    Central storing and/or distribution of medications, as specified in Section 87075.
- (D)    Arrangement of and assistance with medical and dental care. This may include transportation.

- (E) Maintenance of house rules for the protection of children.
  - (F) Supervision of children's schedules and activities.
  - (G) Maintenance and/or supervision of children's cash resources or property.
  - (H) Monitoring food intake or special diets.
  - (I) Providing basic services as defined in Section 87001(a)(b)(2).
- (83) "Cash Resources" means:
- (A) Monetary gifts.
  - (B) Tax credits and/or refunds.
  - (C) Earnings from employment or workshops.
  - (D) Personal and incidental need allowances from funding sources including but not limited to SSI/SSP.
  - (E) Allowances paid to children.
  - (F) Any other similar resources as determined by the licensing agency.
- (94) "Certified License Pending Home" means a home which has a foster family home license application pending and which has been certified for placement of specific children only, pursuant to Section 87007.1.
- (105) "Child" means a person who is under 18 years of age who is being provided care and supervision in a foster family home, except where specified otherwise in this chapter.
- (116) "Completed Application" means:
- (A) The applicant has submitted and the licensing agency has received all required materials including an approved fire clearance, if applicable, from the State Fire Marshal and a criminal record clearance on the applicant and any other individuals specified in Section 87019.
  - (B) The licensing agency has completed a site visit to the facility.

(127) "Conservator" means a person appointed by the Superior Court pursuant to the provisions of Section 1800 et seq. of the Probate Code or Section 5350 of the Welfare and Institutions Code, to care for the person, or estate, or person and estate, or another.

d. (17) "Deficiency" means any failure to comply with any provision of the Community Care Facilities Act (Health and Safety Code 1500 et seq.) and/or regulations adopted by the department pursuant to the Act.

(142) "Department" is defined in Health and Safety Code Section 1502(b).

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(Department means the State Department of Social Services.)

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(153) "Director" is defined in Health and Safety Code Section 1502(c).

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(Director means the Director of the State Department of Social Services.)

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(164) "Disability" means a condition which makes a child developmentally disabled, mentally disordered or physically handicapped, and for whom special care and supervision is required as a result of his/her condition.

e. (17) "Evaluator" means any person who is a duly authorized officer, employee or agent of the department, including any officer, employee or agent of a county or other public agency authorized by the department to license homes.

(182) "Exception" means a written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation(s) and which are based on the unique needs or circumstances of a specific child placed in the home. Exceptions are granted for a particular child and cannot be transferred or applied to other children or other facilities or licensees.

- (193) "Exemption" means an exception to the requirements of Health and Safety Code Section 1522. Exemptions are not transferable.
- (204) "Existing Facility" means a home operating under a valid, unexpired license on the date this chapter becomes effective.
- f. (21) "Foster Family Home" means any home in which 24-hour nonmedical care and supervision are provided in a family setting in the licensee's family residence for not more than six foster children, exclusive of members of the licensee's family.
- g. (221) "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Section 1500 et seq. of the Probate Code to care for the person, or estate, or the person and estate, of another.
- h. (231) "Home" means a licensed Foster Family Home.
- i. (241) "Infant" means a child under two years of age.
- j. (Reserved)
- k. (Reserved)
- l. (251) "License" means authorization to operate a home and to provide care and supervision. The license cannot be transferred to another person or location.
- (26) "Licensee" means the individual having the authority and responsibility for the operation of a home.
- (273) "Licensee's Family" means any relative, as defined in 87001(d)(r)(341), or adopted children or persons under guardianship or conservatorship, of the licensee, or the licensee's spouse, who reside in the home.
- (284) "Licensing Agency" means the State Department of Social Services or any state, county or other public agency authorized by the department to assume specified licensing responsibilities pursuant to Section 1511 of the Health and Safety Code.
- m. (Reserved)
- n. (291) "Needs and Services Plan" means a time-limited, goal-oriented written plan which identifies the specific needs of an individual child, including the items specified in Section 87068.2, and delineates those services necessary in order to meet the child's identified needs.

(302) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.

- (A) A person who uses postural supports as specified in Section 87072(a)(7), is nonambulatory.
- (B) A person is not deemed nonambulatory solely because he/she is deaf, blind or prefers to use a mechanical aid.

o.    (Reserved)

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- (C) Health and Safety Code Section 13131 provides:

"Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984 who are not developmentally disabled shall be made by the Director of Social Services, or his or her designated representative.

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- p.    (31) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.
- (32) "Provision" or "Provide" means whenever any regulation requires that provision be made for or that there be provided any service, personnel, or other requirement, the licensee shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means.

(37) "Provisional License" means a license which is temporary, nonrenewable and issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87030.

g.    (Reserved)

r.    (~~34~~1) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

s.    (~~33~~1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of any child in a home.

(~~36~~2) "Social Worker" means a person who has a graduate degree from an accredited school of social work.

(37) "SSI/SSP" means the Supplemental Security Income/State Supplemental Program which is a federal/state program that provides financial assistance to aged, blind and/or disabled residents of California.

t.    (Reserved)

u.    (~~38~~1) "Unlicensed Community Care Facility" means a facility as defined in Health and Safety Code Section 1503.5.

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(A) Health and Safety Code Section 1503.5 provides:

A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide nonmedical care" if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:

(1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.



- (2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (4) The facility represents itself as a licensed community care facility.

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**HANDBOOK ENDS HERE**

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- (B) A facility which is "providing care and supervision" as defined in Section 87001(4)(c)(72) includes, but is not limited to, one in which an unemancipated minor has been placed for temporary or permanent care.
  - (C) A facility which is "held out as or represented as providing care and supervision" includes, but is not limited to:
    - (1) A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.
    - (2) A facility where change of ownership has occurred and the same clients are retained.
    - (3) A licensed facility that moves to a new location.
    - (4) A facility which advertises as providing care and supervision.
  - (D) A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to a facility which houses unemancipated minors, even though the facility is providing board and room only, or board only, or room only.
- v. (791) "Ventilator-Dependent Child" means a child who for part or all of each day cannot sustain ventilation spontaneously at a level sufficient to prevent death or the development of life-threatening complications.

w.    (~~40~~1) "Waiver" means a nontransferable written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation which are based on a facility-wide need or circumstance.

x. through z.    (Reserved)

Authority Cited:    Sections 1530 and 1530.5, Health and Safety Code.

Reference:            Sections 1501, 1502, 1503.5, 1505, 1507, 1507.5, 1520, 1522, 1524, 1525.1, 1526, 1526.5, 1527, 1530, 1530.5, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551 and 11834.11, Health and Safety Code.

*Amend Section 87006 to read:*

**87006 OPERATION WITHOUT A LICENSE**

*u. /* 87006

- {
- (a) An unlicensed home is as defined in Section 87001~~22~~<sup>20</sup>, is in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code unless exempted from licensure pursuant to Health and Safety Code Section 1505 or Section 87007.
  - (b) If the home is alleged to be in violation of Sections 1503.5 and/or 1508 of the Health and Safety Code, the licensing agency shall conduct a site visit, and/or an evaluation of the home pursuant to Health and Safety Code 1533 and 1538.

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- (1) Health and Safety Code Section 1538(c) provides in part:

Upon receipt of a complaint, other than a complaint alleging denial of a statutory right to access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

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**HANDBOOK ENDS HERE**

- (c) If the home is operating without a license, the licensing agency shall issue a notice of operation in violation of law and shall refer the case for criminal prosecution and/or civil proceedings. *(Continued)*

87007 EXEMPTION FROM LICENSURE (Continued)

87007

(G) The school's function does not promote intent to provide community care services, and the family does not accept children who are in need of such services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code Section 300; and juveniles declared wards of the court under Welfare and Institutions Code Sections 601 and 602.

(H) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs.

(I) No public or private agency, including but not limited to county welfare departments and probation offices, provides social services to children in the facility.

{ (7) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Section 87001<sup>C. 1 2</sup> (1).

{ (8) Any recovery<sup>C. 1 2</sup> houses or other similar facility providing a group living arrangement for persons recovering from alcoholism or drug addiction which provides no element of care and supervision, as defined in Section 87001<sup>C. 1 2</sup> (1).

(9) Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families.

(10) Any care and supervision of persons by a relative, guardian or conservator.

(11) Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week. (Continued)

45

*Amend Section 87030 to read:*

87030

87030 PROVISIONAL LICENSE

- (a) The licensing agency shall have the authority to issue a provisional license to an applicant, pending action under Sections 87031 or 87040 on a completed application for an initial license, if it determines that all of the following circumstances exist:
- (1) The home has no serious deficiencies as defined in Section 87001 ~~and~~ <sup>S. T. C.</sup> (25).
  - (2) There is a change in home location and children currently in care are in need of services from the same licensee at the new location.
- (b) The capacity of a provisional license shall be limited to the number of children currently in care or the capacity established for the specific home whichever is less.
- (c) The licensing agency shall have the authority to issue a provisional license for a maximum of six months when it determines that full compliance with licensing regulations will be achieved within that time period.
- (d) The licensing agency shall have the authority to issue a provisional license for a maximum of 12 months when it determines, at the time of application, that more than six months is required to achieve full compliance with licensing regulations due to circumstances beyond the control of the applicant. *(Continued)*

46

87041

87041 DENIAL OF A RENEWAL LICENSE

- (a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:
- (1) The home has serious deficiencies as defined in Section 87001 <sup>(28)</sup> at the time of the renewal. <sub>S. t.</sub>
- (2) The department has taken action to suspend or revoke the license or to seek other remedies as provided by law.
- (b) If the application for a renewal license is denied, the licensing agency shall mail the licensee a written notice of denial by certified mail.
- (1) The notification shall inform the licensee of, and set forth the reasons for, the denial, and shall advise the licensee of the right to appeal.
- (c) The licensee shall have the right to appeal the denial of the application for renewal pursuant to Health and Safety Code Section 1526.

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- (d) Health and Safety Code Section 1526 <sup>reads</sup> ~~provides in part:~~

<sup>state department</sup> Immediately upon the denial of any application <sup>state department</sup> for a license or for a special permit, the ~~licensing agency~~ shall notify the applicant in writing. Within 15 days after the ~~licensing agency~~ mails the notice, the applicant <sup>state department</sup> may present his ~~her~~ written petition for ~~hearing~~ to the ~~licensing agency~~. <sup>state department</sup> Upon receipt by the ~~licensing agency~~ of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, <sup>all the powers granted therein.</sup> and <sup>state department</sup> the state department has <sup>state department</sup>

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- (e) When a renewal application is denied and the licensee appeals the denial, the licensing agency shall, upon written request from the licensee within the 15-day period, issue a license pending adoption by the director of a decision on the denial action. (Continued)

47

Article 5. ENFORCEMENT PROVISIONS

87051 SERIOUS DEFICIENCIES

87051

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- (a) The following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Section 87010 relating to limitations on the capacity or ambulatory status of the children.
  - (2) Section 87019 relating to criminal record clearance.
  - (3) Section 87020 relating to fire clearance.
  - (4) Section 87021 relating to water supply.
  - (5) Section 87072 relating to children's rights.
  - (6) Section 87073 relating to telephone service.
  - (7) Section 87075(j) relating to storing and dispensing medications.
  - (8) Section 87076 relating to food storage, preparation and service.
  - (9) Section 87087 relating to safety of children's accommodations.
  - (10) Section 87088(a) - (a)(2) and (i) - (i)(1) relating to hot water temperature and toilet facilities.
  - (11) Section 87088(j) relating to storage and disposal of solid wastes.
  - (12) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in 87001(a)(35).

S.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code.  
Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 87101 to read:

87101            DEFINITIONS

87101

~~(d)~~ For purposes of this chapter the following definitions shall apply:

- a.    (1)    Administrator. "Administrator" means the individual designated by the licensee to act in behalf of the licensee in the overall management of the facility. The licensee, if an individual, and the administrator may be one and the same person.
- (2)    Adult. "Adult" means a person who is eighteen (18) years of age or older.
- (3)    Ambulatory Person. "Ambulatory Person" means a person who is capable of demonstrating the mental competence and physical ability to leave a building without assistance of any other person or without the use of any mechanical aid in case of an emergency.
- (4)    Applicant. "Applicant" means any individual, firm, partnership, association, corporation or county who has made application for a license.
- (5)    Appropriately Skilled Professional: Means an individual that has training and is licensed to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Registered Nurse (RN), Licensed Vocational Nurse (LVN), Physical Therapist (PT), Occupational Therapist (OT) and Respiratory Therapist (RT). These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or facilities and who are currently licensed in California.
- b.    (§1)    Basic Rate. "Basic Rate" means the SSI/SSP established rate, which does not include that amount allocated for the recipient's personal and incidental needs.
- (72)    Basic Services. "Basic Services" means those services required to be provided by the facility in order to obtain and maintain a license and include, in such combinations as may meet the needs of the residents and be applicable to the type of facility to be operated, the following: safe and healthful living accommodations; personal assistance and care; observation and supervision; planned activities; food service; and arrangements for obtaining incidental medical and dental care.



- c. (81) Capacity. "Capacity" means that maximum number of persons authorized to be provided services at any one time in any licensed facility.
- (82) Care and Supervision. "Care and Supervision" means those activities which if provided shall require the facility to be licensed. It involves assistance as needed with activities of daily living and the assumption of varying degrees of responsibility for the safety and well-being of residents. "Care and Supervision" shall include, but not be limited to, any one or more of the following activities provided by a person or facility to meet the needs of the residents:
- (A) Assistance in dressing, grooming, bathing and other personal hygiene;
  - (B) Assistance with taking medication; as specified in Section 87575;
  - (C) Central storing and distribution of medications, as specified in Section 87575;
  - (D) Arrangement of and assistance with medical and dental care. This may include transportation, as specified in Section 87575;
  - (E) Maintenance of house rules for the protection of residents;
  - (F) Supervision of resident schedules and activities;
  - (G) Maintenance and supervision of resident monies or property;
  - (H) Monitoring food intake or special diets.
- (103) Community Care Facility. "Community Care Facility" means any facility, place or building providing nonmedical care and supervision, as defined in Section 870101(4)(c). (82).
- (114) Conservator. "Conservator" means a person appointed by the Superior Court pursuant to the provisions of Section 1800 et seq. of the Probate Code to care for the person, or person and estate, of another.
- (125) Consultant. "Consultant" means a person professionally qualified by training and experience to provide expert information on a particular subject.

d. (13) Deficiency. "Deficiency" means any failure to comply with any provision of the Residential Care Facilities Act for the Elderly and regulations adopted by the Department pursuant to the Act.

(142) Department. "Department" is defined in Health and Safety Code, Section 1569.2(b).

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"Department" means the State Department of Social Services.

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(153) Dietitian. "Dietitian" means a person who is eligible for registration by the American Dietetic Association.

(164) Director. "Director" is defined in Health and Safety Code, Section 1569.2(c).

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"Director" means the Director of the State Department of Social Services.

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(175) Documentation. "Documentation" means written supportive information including but not limited to the Licensing Report (Form LIC 809).

e. (18) Elderly Person. "Elderly Person" means, for purposes of admission into a residential care facility for the elderly, a person who is sixty-two (62) years of age or older.

(192) Evaluator. "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department including any officer, employee or agent of a county or other public agency authorized by contract to license community care facilities.

(203) Exception. "Exception" means a variance to a specific regulation based on the unique needs or circumstances of a specific resident or staff person. Requests for exceptions are made to the licensing agency by an applicant or licensee. They may be granted for a particular facility, resident or staff person, but cannot be transferred or applied to other individuals.

(214) Existing Facility. "Existing Facility" means any facility operating under a valid unexpired license on the date of application for a new or renewal license.

f. (Reserved)

g. (221) Guardian. "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Section 1500 et seq. of the Probate Code to care for the person, or person and estate, of another.

h. (231) Healing wounds include cuts, stage one and two dermal ulcers as diagnosed by a physician, and incisions that are being treated by an appropriate skilled professional with the affected area returning to its normal state. They may involve breaking or laceration of the skin and usually damage to the underlying tissues.

(24) Home Economist. "Home Economist" means a person who holds a baccalaureate or higher degree in home economics and who specialized in either food and nutrition or dietetics.

i. (251) Immediate Need. "Immediate Need" means a situation where prohibiting the operation of the facility would be detrimental to a resident's physical health, mental health, safety, or welfare. Examples of immediate need include but are not limited to:

(A) A change in facility location when residents are in need of services from the same operator at the new location;

(B) A change of facility ownership when residents are in need of services from the new operator.

(26) Instruction: Means to furnish an individual with knowledge or to teach, give orders, or direction of a process or procedure.

j. (Reserved)

k. (Reserved)

l. (271) License. "License" is defined in Health and Safety Code Section 1569.2(fg).

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(A) Health and Safety Code Section 1569.2(g) reads:

"License" means a basic permit to operate a residential care facility for the elderly.

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- (28) Licensee. "Licensee" means the individual, firm, partnership, corporation, association or county having the authority and responsibility for the operation of a licensed facility.
- (293) Licensing Agency. "Licensing Agency" means a state, county or other public agency authorized by the Department to assume specified licensing, approval or consultation responsibilities pursuant to Section 1569.13 of the Health and Safety Code.
- (304) Life Care Contract. "Life Care Contract" is defined in Health and Safety Code, Section 1771(m).

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"Life Care Contract" means a contract to provide to a person for the duration of his life, or for a term in excess of one year, nursing services, medical services, or health related services, board and lodging and care as necessary, or any combination of such services, for the person, in a facility. The service may be conditioned upon the transfer of an entrance fee to the provider of the services, in addition to or in lieu of the payment of regular periodic charges for the care and services involved.

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m.    (Reserved)

- n.    (31) New Facility. "New Facility" means any facility applying for an initial license whether newly constructed or previously existing for some other purpose.
- (32) Nonambulatory Person. "Nonambulatory Person" means a person who is unable to leave a building unassisted under emergency conditions. It includes, but is not limited to, those persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. It also includes persons who are unable, or likely to be unable, to respond physically or mentally to an oral instruction relating to fire danger and, unassisted, take appropriate action relating to such danger.

- (37) Nutritionist. "Nutritionist" means a person holding a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed by a county health department in the latter capacity.

o.     (Reserved)

- p.     (341) Physician. "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.

- (352) Provision or Provide. Whenever any regulation specifies that provision be made for or that there be provided any service, personnel or other requirement, it means that if the resident is not capable of doing so himself, the licensee shall do so directly or present evidence satisfactory to the licensing agency of the particular arrangement by which another provider in the community will do so.

- (36) Provisional License. "Provisional License" means a temporary, nonrenewable license, issued for a period not to exceed twelve months which is issued in accordance with the criteria specified in Section 87231.

q.     (Reserved)

- r.     (371) Relative. "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution.

- (382) Residential Care Facility for the Elderly. "Residential Care Facility for the Elderly" means a housing arrangement chosen voluntarily by the residents, or the resident's guardian, conservator or other responsible person; where 75 percent of the residents are at least sixty-two years of age, or, if younger, have needs compatible with other residents as specified in Section 87582; and where varying levels of care and supervision are provided, as agreed to at time of admission or as determined necessary at subsequent times of reappraisal.

(39) Responsible Person. "Responsible Person" means that individual or individuals, including a guardian, conservator, or relative, who assist the resident in placement or assume varying degrees of responsibility for the resident's well-being. This includes the County Welfare Department, Adult Protective Services Unit, when no other responsible person can be found.

(40) Room and Board. "Room and Board" means a living arrangement where care and supervision is neither provided nor available.

s. (41) Serious Deficiency. "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health, or safety of the residents or clients of a community care facility.

(42) Shall. "Shall" means mandatory. "May" means permissive.

(43) Singular-Plural. Whenever in these regulations the singular is used, it can include the plural.

(44) Social Worker. "Social Worker" means a person who has a graduate degree from an accredited school of social work or who has equivalent qualifications as determined by the Department.

(45) SSI/SSP. "SSI/SSP" means the Supplemental Security Income/State Supplemental Program.

(46) Substantial Compliance. "Substantial Compliance" means the absence of any deficiencies which would threaten the physical health, mental health, safety or welfare of the residents. Such deficiencies include, but are not limited to, those deficiencies referred to in Section 87451 and the presence of any uncorrected serious deficiencies for which civil penalties could be assessed.

(47) Supervision: Means to oversee or direct the work of an individual or subordinate but does not necessarily require the immediate presence of the supervisor.

t. (Reserved)

u. (481) "Unlicensed Residential Facility for the Elderly" means a facility as defined in Health and Safety Code Section 1569.44.

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- (A) Health and Safety Code Section 1569.44 provides in part:

A facility shall be deemed to be an "unlicensed residential care facility for the elderly" and "maintained and operated to provide residential care" if it is unlicensed and not exempt from licensure, and any one of the following conditions is satisfied:

- (1) The facility is providing care and supervision ~~and services~~, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (2) The facility is held out as, or represented as, providing care and supervision ~~and services~~, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (3) The facility accepts or retains residents who demonstrate the need for care and supervision ~~and services~~, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.
- (4) The facility represents itself as a licensed residential facility for the elderly.

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- (B) A facility which is "providing care and supervision" as defined in Section 87101(a)(c)(2) includes, but is not limited to, one in which individual has been placed by a placement agency or family members.
- (C) A facility which is "held out as or represented as providing care and supervision" includes, but is not limited to:
- (1) A facility whose license has been revoked or denied, but the individual continues to provide care for the same or different clients with similar needs.

- (2) A facility where change of ownership has occurred and the same clients are retained.
- (3) A licensed facility that moves to a new location.
- (4) A facility which advertises as providing care and supervision.
- (D) A facility which "accepts or retains residents who demonstrate the need for care and supervision" includes, but is not limited to:
  - (1) A facility with residents requiring care and supervision, even though the facility is providing board and room only, or board only, or room only.
  - (2) A facility where it is apparent that care and supervision are being provided by virtue of the client's needs being met.

v. (491) Voluntary. "Voluntary" means resulting from free will.

w. (501) Waiver. "Waiver" means a variance to a specific regulation based on a facility-wide need or circumstance which is not typically tied to a specific resident or staff person. Requests for waivers are made to the licensing agency, in advance, by an applicant or licensee.

x. through z. (Reserved)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.157, 1569.17, 1569.19, 1569.20, 1569.21, 1569.30, 1569.312, 1569.44, 1569.47 and 1569.82, Health and Safety Code.



*Amend Section 87106 to read:*

87106 OPERATION WITHOUT A LICENSE

87106

- (a) An unlicensed facility as defined in Section 87101(a)(4) is in violation of Section 1569.10, 1569.44, and/or 1569.45 of the Health and Safety Code unless the facility is exempted from licensure under Section 87107(a).
- (b) If the facility is alleged to be in violation of Section 1569.10 and/or 1569.44 and/or 1569.45 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code Section 1569.35.

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HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1569.35(c) provides in part:

Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a residential care facility for the elderly, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint. In either event, the complainant shall be promptly informed of the department's proposed course of action. (Continued)

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HANDBOOK ENDS HERE

*Amend Section 87231 to read:*

87231

87231 PROVISIONAL LICENSE

- (a) The licensing agency may issue a provisional license to an applicant who has submitted a completed application for an initial license if the licensing agency determines that there are no life safety risks, that the facility is in substantial compliance, as defined in Section 87101 ~~(a)(4)~~, with applicable law and regulations, and an immediate need for licensure 6 exists as defined in Section 87101 ~~(a)(4)~~ (2). S.
- (b) The capacity of a provisional license shall be limited to the number of residents for whom immediate need has been established, or the capacity established for the specific facility, whichever is less.
- (c) A provisional license shall not be renewable and shall terminate on the date specified on the license, or upon denial of the application, whichever is earlier.
- (1) A provisional license may be issued for a maximum of six (6) months when the licensing agency determines that full compliance with licensing regulations will be achieved within that time period.
- (2) A provisional license may be issued for a maximum of twelve (12) months when the licensing agency determines, at the time of application, that more than six (6) months is required to achieve full compliance with licensing regulations due to circumstances beyond the control of the applicant. *(Continued)*

*Amend Section 87341 to read:*

87341

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Regulations

87341 DENIAL OF A RENEWAL LICENSE

87341

- (a) The licensing agency shall deny an application for a renewal license when the licensee is not in substantial compliance, as defined in Section 87101~~(a)~~(<sup>5</sup>), with applicable law or regulations at the time of the renewal visit. <sup>6</sup>
- (b) The licensing agency shall deny the renewal application when failure to substantially comply with licensing requirements has resulted in the Department's action to suspend or revoke the license or to seek other remedies as provided by law.
- (c) The licensing agency shall deny the renewal application when the licensee refuses or has failed to pay the application/renewal processing fee as specified in Section 87224(b)(2).
- (d) If the application for a renewal license is denied, the licensing agency shall send the licensee a written notice of denial by certified mail. The notification shall inform the licensee of the denial and set forth the reasons for denial.
- (e) If the application for a renewal license is denied, the application/renewal processing fee shall be forfeited.
- (f) The licensee may appeal the denial as provided in Section 1569.22 of the Health and Safety Code within fifteen (15) days after the certified mailing of the denial notice. Proceedings to review the denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

NOTE: Authority cited: Sections 1569.18 and 1569.30, Health and Safety Code.  
Reference: Sections 1569.15, 1569.18, 1569.19, 1569.20, 1569.22, 1569.23, 1569.30, 1569.50, 1569.51, and 1569.52, Health and Safety Code.

*Amend Section 87569 to read:*

87569

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

Regulations

87569

87569 MEDICAL ASSESSMENT

(a) Prior to a person's acceptance, the licensee shall obtain and keep on file, evidence of a physical examination made within the last year which shall include but not be limited to:

- (1) Establishing where there are findings of communicable tuberculosis, other infectious or contagious diseases or other medical conditions which would preclude care of the person by the facility.
- (2) Recording of prior medical services and history and current medical status including but not limited to height, weight, and blood pressure.
- (3) Providing a record of current prescribed medications, and an indication of whether the medication should be centrally stored, pursuant to Section 87575(c)(1).
- (4) Identifying physical limitations of the person to determine his/her capability to participate in the programs provided by the licensee, including any medically necessary diet limitations.
- (5) Making a determination of the person's ability to ambulate without assistance as defined by Section 87101(a)(3).
- (6) Providing information applicable to the pre-admission appraisal specified in Section 87583.

NOTE: Authority cited: Section 1569.30, Health and Safety Code. Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312 and 1569.315, Health and Safety Code.

*Amend Section 87570 to read:*

Regulations

RESIDENTIAL CARE FACILITIES FOR THE ELDERLY

87570 (Cont.)

87570

87570 RESIDENT RECORDS (Continued)

(a) *(Continued)*

(b) *(Continued)*

- { (6) Names, addresses, and telephone numbers of responsible persons, defined by Section 87101, to be notified in case of accident, death, or other emergency. 1. (3)
- (7) Name, address and telephone number of physician and dentist to be called in an emergency.
- (8) Reports of the medical assessment specified in Section 87569, and of any special problems or precautions.
- (9) Ambulatory status.
- (10) Continuing record of any illness, injury, or medical or dental care, when it impacts the resident's ability to function or the services he needs.
- (11) Current centrally stored medications as specified in Section 87575.
- (12) The admission agreement and pre-admission appraisal, specified in Sections 87568 and 87583.
- (13) Records of resident's cash resources as specified in Section 87226.
- (c) All information and records obtained from or regarding residents shall be confidential.
- (1) The licensee shall be responsible for storing active and inactive records and for safeguarding the confidentiality of their contents. The licensee and all employees shall reveal or make available confidential information only upon the resident's written consent or that of his designated representative. *(Continued)*

87712 PROTECTIVE SUPERVISION (Continued)

(b) In addition to Section 87702.1, the licensee shall be responsible for the following:

- (1) Ensuring that staffing is adequate to provide the supervision for those who require it while meeting the needs of all facility residents.
- (2) Ensuring that the facility has a nonambulatory fire clearance for each room which will be used to accommodate a confused resident who meets the definition of a nonambulatory person as specified in Section 87101(a)(2) and Health and Safety Code Section 13131.
- (3) Ensuring that the facility has a written plan for meeting the needs of residents who require protective supervision.
- (4) Ensuring that in addition to Section 87691 safety of the physical plant shall include, but not be limited to, the following:
  - (A) Ranges, heaters, wood stoves, inserts, and other heating devices are made inaccessible.
  - (B) Swimming pools and other bodies of water are fenced.
  - (C) Knives, matches, firearms, tools and other items that could constitute a danger to the residents are stored where they are inaccessible to the residents.
  - (D) Over-the-counter medication in addition to the medications specified in Section 87575 and all toxic substances such as plants and cigarettes are made inaccessible.
  - (E) Yards shall be completely fenced, with self-closing latches and gates.
  - (F) Exterior doors shall include an operational bell/buzzer or other auditory devices to alert staff when the door is opened.
  - (G) The furniture and the equipment shall be safe.

(5) Repealed by SDSS Manual Letter No. CCL-89-17, effective 2/13/90.

NOTE: Authority cited: Section 1569.30(a), Health and Safety Code.  
Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); and 1569.312; Health and Safety Code.

Amend Section 101152 to read:

101152      DEFINITIONS

101152

(a) The following general definitions shall apply wherever the terms are used throughout Division 12, Chapter 1 and Chapter 2, except where specifically noted otherwise. Additional definitions found at the beginning of each chapter in this division shall apply only to such specific facility category.

- a.    (1)    "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the facility.
- (2)    "Adult" means a person who is 18 years of age or older.
- (3)    "Applicant" means any adult, firm, partnership, association, corporation, county, city, public agency or other governmental entity that has made application for an initial or renewal child day care facility license.
- (4)    "Authorized Representative" means any person or entity authorized by law to act on behalf of any child. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.
- b.    (§1)    "Basic Services" means those services required by applicable law and regulation to be provided by the licensee in order to obtain and maintain a child day care facility license.
- c.    (§1)    "Capacity" means the maximum number of children authorized to be provided care and supervision at any one time in any licensed facility.
- (72)    "Care and Supervision" means any one or more of the following activities provided by a person or facility to meet the needs of the children:
- (A)    Assistance in dressing, grooming, bathing and other personal hygiene.
- (B)    Assistance with taking medication, as specified in Section 101326(e) (3).
- (C)    Central storing and/or distribution of medications, as specified in Section 101326(e).
- (D)    Arrangement of and assistance with medical and dental care.

- (E) Maintenance of house rules for the protection of children.
  - (F) Supervision of children's schedules and activities.
  - (G) Monitoring food intake or special diets.
  - (H) Providing basic services as defined in Section 101152(~~d~~)b.(~~7~~)1).
- (~~8~~)3) "Child" means a person who is under 18 years of age who is being provided care and supervision in a child day care facility, except where specified otherwise.
- (~~9~~)4) "Child Day Care Facility" means any facility, place or building where nonmedical care and supervision, as defined in Section 101152(~~d~~)c.(~~7~~)2) is provided.

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- (A) Health and Safety Code Section 1596.750 states:

"Child day care facility" means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers and family day care homes.

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HANDBOOK ENDS HERE

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- (~~10~~)5) "Completed Application" means:

- (A) The applicant has submitted and the licensing agency has received all required materials including: an approved fire clearance, if appropriate, from the State Fire Marshal; a criminal record clearance on the applicant and any other individuals specified in Section 101170.
- (B) The licensing agency has completed a site visit to the facility.



- d. (11) "Day Care Center" means any child day care facility of any capacity, other than a family day care home as defined in Section 102352(1)(f), in which less than 24-hour per day nonmedical care and supervision is provided for children in a group setting.
- (12) "Deficiency" means any failure to comply with any provision of the California Child Day Care Act (Health and Safety Code, Section 1596.70 et seq.) and/or regulations adopted by the Department pursuant to the Act.
- (13) "Department" is defined in Health and Safety Code Section 1596.77.

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HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1596.77 reads:

"Department" means the State Department of Social Services.

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HANDBOOK ENDS HERE

- (14) "Developmental Disability" means a disability as defined in Welfare and Institutions Code Section 4512(a).

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- (A) Welfare and Institutions Code Section 4512(a) provides in part: "Developmental disability" means a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely and constitutes a substantial handicap for such individual.

This term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include handicapping conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, but shall not include other handicapping conditions that are solely physical in nature.

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HANDBOOK ENDS HERE

- (15) "Dietitian" means a person who is a member of or registered by the American Dietetics Association.
- (16) "Director" is defined in Health and Safety Code Section 1596.770.

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(A) Health and Safety Code Section 1596.770 reads:

"Director" means the ~~Director~~ of ~~the State~~  
~~Department of~~ Social Services.

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HANDBOOK ENDS HERE

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- e. (17) "Evaluator" means any person who is a duly authorized officer, employee or agent of the Department, including any officer, employee or agent of a county or other public agency authorized by the Department to license child day care facilities.
- (182) "Exception" means a written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation(s) and which are based on the unique needs or circumstances of a specific child(ren) or staff person(s). Exceptions are granted for a particular child(ren) or staff person(s) and are not transferable or applicable to other children, staff person(s), facilities or licensees.
- (193) "Exemption" means an exception to the requirements of Health and Safety Code Section 1596.871 and applicable regulations. Exemptions are not transferable.
- (204) "Existing Facility" means any child day care facility operating under a valid, unexpired license on the date this chapter becomes effective.
- f. (Reserved)
- g. (21) "Guardian" means a person appointed by the Superior Court pursuant to the provisions of Sections 1500 et seq. of the Probate Code to care for the person, or estate, or the person and estate of another.

- h. (221) "Home Economist" means a person who holds a baccalaureate degree in home economics with a specialization in either foods and nutrition or dietetics.
- i. (231) "Infant" means a child under two years of age.
- j. (Reserved)
- k. (Reserved)
- l. (241) "License" means authorization to operate a child day care facility and to provide care and supervision. The license is not transferable.
- (25) "Licensee" means the adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity having the authority and responsibility for the operation of a licensed child day care facility.
- (263) "Licensing Agency" means the State Department of Social Services or any state, county or other public agency authorized by the Department to assume specified licensing responsibilities pursuant to Section 1596.82 of the Health and Safety Code.
- m. (271) "Mental Disorder" means any of the disorders set forth in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) of the American Psychiatric Association and a degree of functional impairment which renders a person eligible for the services enumerated under the Lanterman-Petris-Short Act, commencing with Section 5000 of the Welfare and Institutions Code.
- n. (281) "Nonambulatory Person" means a person as defined in Health and Safety Code Section 13131.
- (A) "A person who uses supportive restraints as specified in Section 101223(a)(7) is deemed nonambulatory.
- (B) A person is not deemed nonambulatory solely because he/she is deaf, blind, or prefers to use a mechanical aid.

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(C) Health and Safety Code Section 13131 provides:

"Nonambulatory persons" means persons unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger, and persons who depend upon mechanical aids such as crutches, walkers, and wheelchairs. The determination of ambulatory or nonambulatory status of persons with developmental disabilities shall be made by the Director of Social Services or his or her designated representative, in consultation with the Director of Developmental Services or his or her designated representative. The determination of ambulatory or nonambulatory status of all other disabled persons placed after January 1, 1984, who are not developmentally disabled shall be made by the Director of Social Services or his or her designated representative.

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HANDBOOK ENDS HERE

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(29) "Nutritionist" means a person who holds a master's degree in food and nutrition, dietetics, or public health nutrition, or who is employed as a nutritionist by a county health department.

o. (Reserved)

p. (301) "Physician" means a person licensed as a physician and surgeon by the California Board of Medical Examiners or by the California Board of Osteopathic Examiners.

(312) "Provision" or "Provide" means whenever any regulation requires that provisions be made for or that there be provided any service, personnel, or other requirement, the licensee shall do so directly or present evidence to the licensing agency that the requirement has been met by some other means.

(32) "Provisional License" means a license which is temporary, nonrenewable and issued for a period not to exceed twelve months. A provisional license is issued in accordance with the criteria specified in Section 101181.

g.    (Reserved)

r.    (~~33~~1) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

s.    (~~34~~1) "Serious Deficiency" means any deficiency that presents an immediate or substantial threat to the physical health, mental health or safety of the children in a child day care facility.

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HANDBOOK BEGINS HERE

(A)    See Section 101202.

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HANDBOOK ENDS HERE

(~~35~~2) "Substantial Compliance" means the absence of any serious deficiencies.

t.    (Reserved)

u.    (~~36~~1) "Urgent Need" means a situation where prohibiting the operation of the facility would be detrimental to a child's physical health, mental health, safety, or welfare. Circumstances constituting urgent need include but are not limited to the following:

(A)    A change in facility location when children are in need of services from the same operator at the new location.

(B)    A change of facility ownership when children are in need of services from a new operation.

v.    (Reserved)

w.    (~~37~~1) "Waiver" means a nontransferable written authorization issued by the licensing agency to use alternative means which meet the intent of a specific regulation and which are based on a facility-wide need or circumstance.

x. through z.    (Reserved)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1502, 1596.72, 1596.73, 1596.74,  
1596.75, 1596.750, 1596.76, 1596.77, 1596.770,  
1596.78, 1596.79, 1596.790, 1596.791 and  
1596.81, Health and Safety Code; and Section  
11006.9, Welfare and Institutions Code.

*Amend Section 101157 to read:*

**101157 OPERATION WITHOUT A LICENSE**

**101157**

- (a) If an unlicensed facility is providing care and supervision as defined in Section 101152 ~~(a)~~ (7), the facility is in violation of Section 1596.80 of the Health and Safety Code unless exempted from licensure pursuant to Section 101158. c. 2
- (b) If the facility is alleged to be in violation of Section 1596.80 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code Section 1596.853.

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**HANDBOOK BEGINS HERE**

- (1) Health and Safety Code Section 1596.80 states:

No person, firm, partnership, association, or corporation shall operate, establish, manage, conduct, or maintain a child day care facility in this state without a current valid license therefor as provided in this act.

- (2) Health and Safety Code Section 1596.853(c) provides in part:

Upon receipt of a complaint, the department shall make a preliminary review and, unless the department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, the department shall make an onsite inspection within 10 days after receiving the complaint except where the visit would adversely affect the licensing investigation or the investigation of other agencies, including, but not limited to, law enforcement agencies. In either event, the complainant shall be promptly informed of the department's proposed course of action. *(Continued)*

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**HANDBOOK ENDS HERE**

101171 FIRE CLEARANCE

101171

- (a) All facilities shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.

- (1) The request for fire clearance shall be made through and maintained by the licensing agency.

- (b) The applicant shall notify the licensing agency if the facility plans to admit children who are nonambulatory, as defined in Section 101152(a)(28) so that an appropriate fire clearance, approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained prior to the acceptance of such children.

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HANDBOOK BEGINS HERE

- (1) Persons who use supportive restraints pursuant to Section 101223(a) (7) are nonambulatory.

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HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.95 and 1597.95, Health and Safety Code.

73



*Amend Section 101192 to read:*

	CHILD DAY CARE GENERAL LICENSING REQUIREMENTS	101192 (Cont.)
Regulations		

101192 DENIAL OF A RENEWAL LICENSE

101192

- (a) The licensing agency shall have the authority to deny an application for a renewal license under the following circumstances:
- (1) The licensee is not in substantial compliance, as defined in Section 101152<sup>1</sup>/~~2~~<sup>2</sup> (35), with applicable law and regulation at the time of the renewal. 5. 2
- (2) Failure to substantially comply with licensing requirements has resulted in the Department's action to suspend or revoke the license or to seek other remedies as provided by law.
- (3) The licensee has failed to pay any civil penalty assessments pursuant to Section 101205 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.
- (b) If the application for a renewal license is denied, the licensing agency shall mail the licensee a written notice of denial.
- (1) The notification shall inform the licensee of and set forth the reasons for the denial, and shall advise the licensee of the right to appeal.
- (c) The licensee shall have the right to appeal the denial of the application for renewal pursuant to Health and Safety Code Section 1596.879.

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HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1596.879 provides in part:

Immediately upon the denial of any application for a license or for a special permit, the department shall notify the applicant in writing. Within 15 days after the department mails the notice, the applicant may present his or her written petition for a hearing to the department. Upon receipt by the department of the petition, the petition shall be set for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

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HANDBOOK ENDS HERE

- (d) When a renewal application is denied and the licensee appeals the denial, the licensing agency shall, upon written request from the licensee within the 15-day period, issue a license pending adoption by the director of a decision on the denial action. *(Continued)*

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## Article 5. ENFORCEMENT PROVISIONS

*Amend Section 101202 to read:*

## 101202 SERIOUS DEFICIENCIES

101202

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- (a) The following are examples of regulations which if not complied with nearly always result in a serious deficiency.
- (1) Section 101161 relating to limitations on the capacity or ambulatory status of the children in care.
  - (2) Section 101170 relating to criminal record clearance.
  - (3) Section 101171 relating to fire clearance.
  - (4) Section 101172 relating to water supply.
  - (5) Section 101223 relating to personal rights.
  - (6) Section 101224 relating to telephone service.
  - (7) Section 101326(e) relating to storing and dispensing medications.
  - (8) Section 101227 relating to food storage, preparation and service.
  - (9) Section 101238 relating to safety of children's accommodations.
  - (10) Section 101239(e) (1), (2), and (3) relating to hot water temperature and toilet facilities.
  - (11) Section 101239(f) relating to storage and disposal of solid wastes.
  - (12) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 101152(a)(2).

S. 1 HANDBOOK ENDS HERE

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NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.852, 1596.853 and 1596.98, Health and Safety Code.

75

Amend Section 101205 to read:

	CHILD DAY CARE	101205
Regulations	GENERAL LICENSING REQUIREMENTS	

101205 PENALTIES (Continued)

101205

(d) When a facility is cited for a serious deficiency as defined in Section 101152 ~~(A)~~ and repeats the same violation within a 12-month period, an immediate penalty assessment of \$150 and \$50 per day thereafter shall be assessed until the deficiency is corrected.

S.

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Amend Section 101251 to read:

101251      GENERAL

101251

- { (a) Day care centers as defined in Sections 101152(a)(12) shall be governed by the provisions specified in this chapter. In addition, such day care centers, except where specified otherwise in this chapter, shall be governed by Chapter 1, Child Day Care General Licensing Requirements.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73 and 1596.81, Health and Safety Code.

Amend Section 101252 to read:

101252 DEFINITIONS

101252

~~/d/~~ In addition to Section 101152, the following shall apply.

a. (Reserved)

b. (Reserved)

c. (1) "Combination Center" means any combination of child day care center, infant center and school-age child day care center, owned and operated by one licensee at a common address as specified in Section 101159.

~~/2/~~ ~~"Combination Center" means a Day Care Center operating in conjunction with an Infant Care Center and/or School-Age Child Day Care Center.~~

d. (~~2~~1) "Day Care Center" or "Center" means "Day Care Center" as defined in Section 101152~~/d/~~d.(~~12~~1).

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HANDBOOK BEGINS HERE

(A) "Day Care Center" means any facility, of any capacity, other than a family day care home as defined in Section 102352~~/f.~~f.(~~1~~1), in which less than 24-hour per day nonmedical care and supervision is provided for children in a group setting.

(B) The definition encompasses a wide variety of settings. The local licensing agency should be contacted whenever there is a doubt regarding the licensure of a particular facility providing child care.

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HANDBOOK ENDS HERE

(~~4~~2) "Day Care Center Director" means the administrator of a day care center.

(A) The term "head teacher" shall be an appropriate substitute for the term "day care center director", provided that the head teacher meets the qualifications of a day care center director and there is written delegation of responsibilities as specified in Section 101315(c)(1).

e. (81) "Emergency Substitute" means a person at least 18 years of age.

f. through o. (Reserved)

p. (81) "Parent" means authorized representative as defined in Section 101152(a)(4).

q. (71) "Qualified Teacher Substitute" means a person at least 18 years of age with at least 6 postsecondary semester or equivalent quarter units of early childhood education or child development.

r. through z. (Reserved)

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73, 1596.74, 1596.75, 1596.76 and 1596.81, Health and Safety Code.

*Amend Section 101316.5 to read:*

101316.5 TEACHER-CHILD RATIO (Continued)

101316.5

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HANDBOOK CONTINUES

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(B) If the younger age group does not exceed fifty percent (50%) of the total number of the children present, the teacher-child and adult-child ratios shall be computed separately for each group.

(3) Section 18292 of Title 5 of the California Code of Regulations provides:

Except as otherwise provided in this Division or Title 22 California Code of Regulations, Community Care Licensing Standards the program may exceed teacher-child and adult-child ratios prescribed by Section 18290 by fifteen percent (15%) for a period of time not to exceed one hundred twenty (120) minutes in any one day.

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HANDBOOK ENDS HERE

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(d) The licensee shall be permitted to include the director in the teacher-child ratio when actually engaged in teaching a group of children.

(1) The licensee shall be permitted to include the substitute day care center director in the teacher-child ratio when actually engaged in teaching a group of children.

(e) Each licensee shall maintain an up to date <sup>8.</sup>/<sub>1</sub> list of qualified teacher substitutes, as defined in Section 101252 <sup>8.</sup>/<sub>1</sub> (5), who shall be called immediately in case of emergency or illness to meet the teacher-child ratios required by this chapter.

(f) During nap periods the teacher-child ratio specified in Section 101330(c) shall apply.

(g) The teacher shall not be required to perform housekeeping or maintenance duties which prevent him/her from performing duties related to providing care and supervision.

(h) Persons employed for clerical, housekeeping and maintenance functions shall not be included as teachers in the teacher-child ratio.

(1) The licensee shall be allowed to use such persons as emergency substitutes for teachers while a qualified teacher substitute is being secured.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81 and 1597.05, Health and Safety Code.

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*Amend Section 101352 to read:*

101352

## 101352 DEFINITIONS

~~X~~ In addition to Sections 101152 and 101252, the following shall apply.

a. (1) "Assistant Infant Care Center Director" (Assistant Director) means the individual as specified in Section 101415.1 designated by the day care center director to act in his or her behalf in the overall management of an infant care center.

b. (Reserved)  
c. (Z)  
1 "Combination Center" means an Infant Care Center operating in conjunction with a Day Care Center and/or School-Age Child Day Care Center.

d. through h. (Reserved)

i. (X)  
1 "Infant Care Center" means any facility or part of a facility where less than 24-hour per day, nonmedical care and supervision are provided to infants in a group setting.

(X)  
2 "Infant Care Center Director" means the administrator of an infant care center as specified in Section 101415.

(X)  
3 "Infant Care Teacher" means a teacher as specified in Section 101416.2.

j. through z. (Reserved)

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.75, 1596.750 and 1596.76, Health and Safety Code.



*Amend Section 101452 to read:*

101452

## 101452 DEFINITIONS

~~121~~ In addition to Sections 101152 and 101252, the following definitions as used throughout Subchapter 3, School-Age Child Day Care Center, shall apply.

A. through C. (Reserved)

5. (1) "School-Age Child" means any child who meets one of the following:

(A) Has entered the first grade or above;

(B) Is in a day care program providing care and supervision, exclusively to children enrolled in kindergarten and above.

(2) "School-Age Child Day Care Center" means any facility or part of a facility of any capacity where less than 24-hour, nonmedical care and supervision are provided in a group setting to school-age children.

E. through F. (Reserved)

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.81, Health and Safety Code.

Article 2. Licensing (reserved)

Article 3. Application Procedures (reserved)

Article 4. Administrative Actions (reserved)

Article 5. Enforcement Provisions (reserved)

Amend Section 102352 to read:

102352      DEFINITIONS

102352

- (a). (1) "Adult" or "Substitute Adult" means a person who is 18 years of age or older.
- (~~2~~) "Applicant" means any person or persons making an application for a license to operate a family day care home.
- (~~3~~) "Assistant Provider" means a person at least 14 years of age who is primarily involved in caring for children during the hours that the home provides care.
- b. (Reserved)
- c. (~~1~~) "Capacity" means the maximum number of children for whom care is authorized at any one time.
- (~~2~~) "Child" means a person, including an infant, who has not yet reached his or her eighteenth birthday.
- (~~3~~) "Completed Application" means that all required information and documentation has been provided to the department or licensing agency, including the completed application form, a fire clearance if more than six children are to receive care, and that a home visit has been completed.
- d. (~~1~~) "Department" is defined in Health and Safety Code Section 1596.77.

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HANDBOOK BEGINS HERE

Health and Safety Code Section 1596.77:

"Department" means the State Department of Social Services.

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HANDBOOK ENDS HERE

- (~~2~~) "Director" is defined in Health and Safety Code Section 1596.770.

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HANDBOOK BEGINS HERE

Health and Safety Code Section 1596.770:

"Director" means the Director of Social Services.

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HANDBOOK ENDS HERE

e.    (Reserved)

f.    (~~1~~) "Family Day Care" means regularly provided care, protection and supervision of children, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or guardians are away.

g.    (Reserved)

h.    (Reserved)

~~(i)~~i.(1) "Infant" means a child who has not yet reached his or her second birthday.

j.    (Reserved)

k.    (Reserved)

~~(l)~~l.(1) "License" means a written authorization by the Department or licensing agency to operate a family day care home.

(~~2~~) "Licensee" means an adult licensed to operate a Family Day Care Home and who is primarily involved in providing care for the children during the hours that the home provides care.

(~~3~~) "Licensing agency" means the Department licensing office, the county welfare department, or other public agency which has delegated authority by contract with the Department of Social Services to license designated categories of child day care facilities.

m. through o.    (Reserved)

~~(p)~~p.(1) "Provider" means anyone providing care to children as authorized by these regulations and includes the licensee, assistant provider or substitute adult.

q. through z.    (Reserved)

Authority Cited:    Section 1596.81, Health and Safety Code.

Reference:            Sections 1596.74, 1596.75, 1596.77, 1596.770, 1596.78, 1596.791 and 1596.81(b), Health and Safety Code.

102417 OPERATION OF A FAMILY DAY CARE HOME (Continued)

102417

- (k) All vehicle occupants must be secured in a restraint system.
- (l) When transporting infants in any motor vehicle, the licensee shall secure the infants in a car seat, designed for infants, which is secured in the vehicle in accordance with manufacturer's instructions.
- (m) The licensee or registrant shall comply with liability insurance coverage requirements as specified in Health and Safety Code Section 1597.531.

HANDBOOK BEGINS HERE

(1) Health and Safety Code Section 1597.531 provides:

(a) <sup>(1)</sup> All family day care homes for children shall either maintain in force liability insurance covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees, or a bond in the aggregate amount of three hundred thousand dollars (\$300,000). In lieu of the liability insurance or the bond, the family day care home may maintain a file of affidavits signed by each parent with a child enrolled in the home which meets the requirements of this subdivision. The affidavit shall state that the parent has been informed that the family day care home does not carry liability insurance or a bond according to standards established by the state. These affidavits shall be on a form provided by the department and shall be reviewed at each licensing inspection.

(b) <sup>(2)</sup> The department shall initiate proceedings to revoke the license of any family day care home that is out of compliance with this section.

HANDBOOK ENDS HERE

(n) ~~Reserved.~~

(o) A signed and dated copy of LIC 9052 (4/88), Notice of Employee Rights, shall be maintained in the employee's personnel record.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81(b), 1596.880, 1596.881, 1596.882, 1597.30 and 1597.531, Health and Safety Code.

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